

Exhibit A

FELICIA SANDERS v. THE UNITED STATES OF AMERICA 6/13/2017 JENNIFER CONLEY

Page 1

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF SOUTH CAROLINA
 3 CHARLESTON DIVISION
 4
 5 FELICIA SANDERS, Individually : CASE NO. 2:16-cv-2356-RMG
 and as Legal Custodian for : Consolidated with
 6 K.M., a Minor : 2:16-cv-2350; 2:16-cv-2351;
 : 2:16-cv-2352; 2:16-cv-2354;
 7 Plaintiff : 2:16-cv-2355; 2:16-cv-2357;
 v : 2:16-cv-2358; 2:16-cv-2359;
 8 : 2:16-cv-2360; 2:16-cv-2378;
 THE UNITED STATES OF AMERICA : 2:16-cv-2405; 2:16-cv-2406;
 9 : 2:16-cv-2407; 2:16-cv-2409;
 Defendant : and 2:16-cv-2746
 10
 11 * * *
 12 SUBJECT TO PROTECTIVE ORDER
 13 Deposition of Jennifer Conley
 14 Volume I
 15 Tuesday, June 13, 2017
 16 * * *
 17
 18 a witness herein, taken on behalf of the plaintiffs in
 19 the above-entitled cause of action pursuant to subpoena
 20 and the Federal Rules of Civil Procedure by and before
 21 Diana L. Baker, Registered Professional Reporter and
 22 Notary Public within and for the State of West Virginia,
 23 taken at the Hilton Garden Inn, 606 Emily Drive,
 24 Clarksburg, West Virginia 26301, commencing at 9:58 a.m.

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1 APPEARANCES:
 2
 3 On behalf of the Plaintiffs,
 4 Tyrone Sanders, Personal Representative of the Estate of
 5 Tywanza Sanders; Felicia Sanders; Felicia Sanders,
 6 individually and as legal custodian of K.M., a minor;
 7 Jennifer Pinckney, Personal Representative of the Estate
 8 of Clementa Pinckney; Jennifer Pinckney; and Jennifer
 9 Pinckney, Individually and as Parent, Natural Guardian,
 10 and Next Friend of M.P., a minor; Polly Sheppard;
 11 Walter B. Jackson, Personal Representative of the Estate
 12 of Susie Jackson; Laura Moore, Personal Representative
 13 of the Estate of Ethel Lance; Bethan Middleton-Brown,
 14 Personal Representative of the Estate of DePayne
 15 Middleton-Doctor; Anthony Thompson and Kevin Singleton,
 16 as Co-Personal Representatives of the Estate of Myra
 17 Singleton Quarles Thompson:
 18 ALVIN HAMMER, Esquire
 19 GEDNEY M. HOWE, III, Esquire
 20 Law Offices of Gedney M. Howe, III, PA, 8 Chalmers Street,
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1 APPEARANCES (Cont.):
 2
 3 On behalf of the Plaintiffs,
 4 Tyrone Sanders, Personal Representative of the Estate of
 5 Tywanza Sanders; Felicia Sanders; Felicia Sanders,
 6 individually and as legal custodian of K.M., a minor;
 7 Polly Sheppard; Walter B. Jackson, Personal
 8 Representative of the Estate of Susie Jackson;
 9 Laura Moore, Personal Representative of the Estate of
 10 Ethel Lance; Bethan Middleton-Brown, Personal
 11 Representative of the Estate of DePayne
 12 Middleton-Doctor; Anthony Thompson and Kevin Singleton,
 13 as Co-Personal Representatives of the Estate of Myra
 14 Singleton Quarles Thompson:
 15 ANDREW J. SAVAGE, III, Esquire
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 17 South Carolina 29401
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 21
 22
 23
 24

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1 APPEARANCES (Cont.):
 2
 3 On behalf of the Plaintiffs,
 4 Shalisa Coleman, as Personal Representative of the Estate
 5 of Sharonda Coleman-Singleton; Anthony Thompson; Anthony
 6 Thompson and Kevin Singleton, as Co-Personal
 7 Representatives of the Estate of Myra Singleton Quarles
 8 Thompson; Arthur Stephen Hurd, as Personal
 9 Representative of the Estate of Cynthia Graham Hurd; and
 10 Arthur Stephen Hurd:
 11 W. MULLINS McLEOD, JR., Esquire
 12 McLeod Law Group, LLC, 3 Morris Street, Suite A,
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 24

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<p>1 APPEARANCES (Cont.):</p> <p>2</p> <p>3 On behalf of the Plaintiff,</p> <p>4 Daniel Simmons, Jr., as Personal Representative of the</p> <p>5 Estate of Daniel L. Simmons, Sr.:</p> <p>6 JOSEPH C. WILSON, IV, Esquire</p> <p>7 Pierce, Hems, Sloan & Wilson, LLC, The Blake House, 321</p> <p>8 East Bay Street, Charleston, South Carolina 29401</p> <p>9 Telephone: (843) 722-7733</p> <p>10 Fax: (843) 722-7732</p> <p>11 E-mail: joewilson@phsm.com</p> <p>12</p> <p>13</p> <p>14 On behalf of the United States of</p> <p>15 America:</p> <p>16 STEPHEN R. TERRELL, Esquire</p> <p>17 U.S. Department of Justice, Civil Division, Ben Franklin</p> <p>18 Station, P.O. Box 888, Washington, DC 20044</p> <p>19 Telephone: (202) 353-1651</p> <p>20 Fax: (202) 616-5200</p> <p>21 E-mail: stephen.terrell2@usdoj.gov</p> <p>22</p> <p>23 and</p> <p>24</p>	<p>1 APPEARANCES (Cont.):</p> <p>2</p> <p>3 On behalf of the United States of</p> <p>4 America:</p> <p>5 CHRISTOPHER R. DONOVAN, Esquire</p> <p>6 U.S. Department of Justice, Civil Litigation Unit I,</p> <p>7 1970 East Parham Road, Richmond, Virginia 23228</p> <p>8 Telephone: (804) 627-4432</p> <p>9 Fax: (804) 627-4591</p> <p>10 E-mail: chris.donovan@ic.fbi.gov</p> <p>11 and</p> <p>12 JULIE BUMGARDNER, Esquire</p> <p>13 ELISSA A. OKONIEWSKI, Esquire</p> <p>14 VANESSA WELCH, Esquire</p> <p>15 U.S. Department of Justice, 1000 Custer Hollow Road,</p> <p>16 Clarksburg, West Virginia 26330</p> <p>17 Telephone: (304) 625-2000</p> <p>18 Fax: (304) 625-3944</p> <p>19 E-mail: julie.bumgardner@ic.fbi.gov</p> <p>20 elissa.okoniewski@ic.fbi.gov</p> <p>21 vanessa.welch@fbi.gov</p> <p>22</p> <p>23 ALSO PRESENT:</p> <p>24 Cheryl L. Savage - Savage Law Firm</p>
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<p>1 INDEX</p> <p>2 WITNESS PAGE</p> <p>3 Jennifer Conley</p> <p>4 Examination by Mr. Hammer..... 8</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 PAGE</p> <p>8 Conley Deposition Exhibit No. 1..... 64</p> <p>9 Conley Deposition Exhibit No. 2..... 69</p> <p>10 Conley Deposition Exhibit No. 3..... 73</p> <p>11 Conley Deposition Exhibit No. 4..... 88</p> <p>12 Conley Deposition Exhibit No. 5..... 99</p> <p>13 Conley Deposition Exhibit No. 6..... 115</p> <p>14 Conley Deposition Exhibit No. 7..... 115</p> <p>15 Conley Deposition Exhibit No. 8..... 144</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 * * *</p> <p>2 JENNIFER CONLEY,</p> <p>3 being first duly sworn, was examined and deposed as</p> <p>4 follows:</p> <p>5 * * *</p> <p>6 EXAMINATION</p> <p>7 BY MR. HAMMER:</p> <p>8 Q. I'm going to get you to state your full name,</p> <p>9 please.</p> <p>10 A. Jennifer Conley.</p> <p>11 Q. Okay.</p> <p>12 Ms. Conley, my name is Alvin Hammer, and I,</p> <p>13 along with these other lawyers, are representing several</p> <p>14 plaintiffs in some cases which I think you're aware of.</p> <p>15 And I just want to start out by letting you</p> <p>16 know that we understand this might be a little stressful</p> <p>17 for you, and we're going to try and do everything we can</p> <p>18 to keep the stress level down and, you know, to not go</p> <p>19 into anything that we don't need to, but there will be</p> <p>20 some areas that we do need to go into.</p> <p>21 A. Okay.</p> <p>22 Q. The other thing is, if during the deposition</p> <p>23 you need a break or you need to -- whatever reason you</p> <p>24 want to stop, whatever it is, just let me know. We'll</p>

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<p>1 stop and adjourn for a few minutes or however long you</p> <p>2 need, and then we'll come back. So it's not -- it's not</p> <p>3 an endurance test for you. You've just got to let me</p> <p>4 know when you want to do that.</p> <p>5 A. Okay.</p> <p>6 Q. The other thing is that I'm required to tell</p> <p>7 you under our rules of court is that I'm supposed to</p> <p>8 instruct you that any questions you have are to be</p> <p>9 directed to me and the people who are asking questions</p> <p>10 rather than to counsel for the Government as far as any</p> <p>11 clarification, definitions, explanations of any words,</p> <p>12 or questions or documents that we might present during</p> <p>13 the deposition. Do you understand that and are you</p> <p>14 willing to abide by that?</p> <p>15 A. Yes.</p> <p>16 Q. And by whom are you employed?</p> <p>17 A. The Federal Bureau of Investigation.</p> <p>18 Q. Okay.</p> <p>19 And are you employed by one section of the --</p> <p>20 or one division?</p> <p>21 A. CJIS.</p> <p>22 Q. All right.</p> <p>23 And tell me what -- C-J-I-S? Is that what it</p> <p>24 is?</p>	<p>1 A. Yes.</p> <p>2 Q. And what does that stand for?</p> <p>3 A. I don't want to misspeak, so...</p> <p>4 Q. Well, I'll tell you what I think, and you can</p> <p>5 tell me whether you think this is correct. My</p> <p>6 understanding is that it stands for Criminal Justice</p> <p>7 Information Services. Is that what your understanding</p> <p>8 is, to the best of your knowledge?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 And my understanding is CJIS is a division of</p> <p>12 FBI.</p> <p>13 A. Yes.</p> <p>14 Q. And tell me, is NICS a section of CJIS?</p> <p>15 A. Yes.</p> <p>16 Q. Tell me what you have done to prepare for your</p> <p>17 deposition today. For example, have you looked over any</p> <p>18 documents or talked to any people in your office or</p> <p>19 looked at any notes you may have or anything else to</p> <p>20 prepare for your testimony today?</p> <p>21 A. I have not -- I have not looked at any notes.</p> <p>22 I -- I did consult with my attorneys yesterday.</p> <p>23 Q. Anybody else? Did you consult with any of</p> <p>24 your supervisors at work?</p>
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<p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 When did you find out about this deposition?</p> <p>4 A. I'm not sure of the date.</p> <p>5 Q. Like a week or two ago or longer?</p> <p>6 A. I -- without a document, I -- I don't want to</p> <p>7 state the date.</p> <p>8 Q. Okay.</p> <p>9 A. I know it's been probably a few weeks.</p> <p>10 Q. Okay.</p> <p>11 And after you found out that your deposition</p> <p>12 was being taken, did you talk to anybody at work about</p> <p>13 it?</p> <p>14 A. I mean, clarify.</p> <p>15 Q. Well, I want -- did you speak to anyone to let</p> <p>16 them know you were going to be deposed?</p> <p>17 A. Yes.</p> <p>18 Q. And who have you talked to?</p> <p>19 A. To my supervisor.</p> <p>20 Q. And who was that?</p> <p>21 A. Brett Antill.</p> <p>22 Q. Pardon me?</p> <p>23 A. Brett Antill.</p> <p>24 Q. And what was the substance of your</p>	<p>1 conversation as best you can tell it to me?</p> <p>2 A. I just told them that I was -- received an</p> <p>3 e-mail from Julie Bumgardner that I was going to have to</p> <p>4 give a deposition.</p> <p>5 Q. Okay.</p> <p>6 And did you-all discuss the topic of the</p> <p>7 deposition or anything?</p> <p>8 A. They knew the case that was going to be --</p> <p>9 Q. Okay.</p> <p>10 But did you discuss any of the details of the</p> <p>11 case or any --</p> <p>12 A. No.</p> <p>13 Q. -- part of the case --</p> <p>14 A. No.</p> <p>15 Q. -- with your supervisor?</p> <p>16 A. No.</p> <p>17 Q. And how about any coworkers? Have you</p> <p>18 discussed it with any coworkers other than your</p> <p>19 supervisor?</p> <p>20 A. My coworkers know that I had to do this</p> <p>21 deposition, but, you know, as far as giving, you know,</p> <p>22 information about the case, no.</p> <p>23 Q. Anything else that you have done other than</p> <p>24 speak with your lawyers and what you've already told me</p>

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<p>1 to get ready for this deposition?</p> <p>2 A. No, I have not.</p> <p>3 Q. Okay.</p> <p>4 Tell me what you understand the case is about</p> <p>5 as best you understand it.</p> <p>6 A. Clarify the question.</p> <p>7 Q. Well, you understood you're giving the</p> <p>8 deposition about this case.</p> <p>9 A. Yes.</p> <p>10 Q. What do you understand this case to be about?</p> <p>11 A. I'm not sure.</p> <p>12 Q. I mean, do you know what the plaintiffs, the</p> <p>13 ones that are bringing the lawsuit, are claiming?</p> <p>14 A. No.</p> <p>15 Q. Do you know what the Government position in</p> <p>16 response to whatever the claim is?</p> <p>17 A. No.</p> <p>18 Q. So you're here cold on this today.</p> <p>19 A. Yes. Yes.</p> <p>20 Q. Okay.</p> <p>21 Tell me a little bit about background on you.</p> <p>22 Where are you from originally?</p> <p>23 A. I'm originally from Grafton, West Virginia.</p> <p>24 Q. Okay.</p>	<p>1 And is that close to Clarksburg?</p> <p>2 A. Yes.</p> <p>3 Q. So you grew up here?</p> <p>4 A. Yes.</p> <p>5 Q. Went to high school here?</p> <p>6 A. Yes.</p> <p>7 Q. Did you graduate?</p> <p>8 A. Yes.</p> <p>9 Q. When did you graduate?</p> <p>10 A. 1991.</p> <p>11 Q. And tell me what your education has been since</p> <p>12 1991.</p> <p>13 A. I went to WVU, West Virginia University.</p> <p>14 Q. Right.</p> <p>15 A. And have a bachelor's in finance and</p> <p>16 management.</p> <p>17 Q. Okay.</p> <p>18 And after that -- that would take you to about</p> <p>19 1995?</p> <p>20 A. Correct.</p> <p>21 Q. And what did you do after 1995?</p> <p>22 A. I actually sold Kirby sweepers, and I was --</p> <p>23 worked for Cell One as a telemarketer, and Sears Siding,</p> <p>24 I was a telemarketer.</p>
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<p>1 Q. Okay.</p> <p>2 And how long did you do that?</p> <p>3 A. Kirby sweepers, I lasted two weeks. It was a</p> <p>4 little heavy, so -- I didn't last very long with that.</p> <p>5 And Cell One I stayed there, and Sears, I did both</p> <p>6 part-time, until I got to the FBI in 1997.</p> <p>7 Q. Okay.</p> <p>8 And so you've been with the FBI since 1997?</p> <p>9 A. Correct.</p> <p>10 Q. What have been your job titles and where have</p> <p>11 you worked within the FBI?</p> <p>12 A. I was a fingerprint examiner. That's what I</p> <p>13 started out as. I did fingerprints before. It was</p> <p>14 before even the system came about. I had the little</p> <p>15 glass where you looked at the fingerprint card and</p> <p>16 classified. That's what I started doing. And then I</p> <p>17 went -- in 2004 I went to NICS.</p> <p>18 Q. So was the fingerprint also in the CJIS</p> <p>19 Division?</p> <p>20 A. Yes.</p> <p>21 Q. So --</p> <p>22 A. Yes. It's just a different department.</p> <p>23 Q. Okay.</p> <p>24 So CJIS has both fingerprint and NICS?</p>	<p>1 A. Yes.</p> <p>2 Q. What else does CJIS have?</p> <p>3 MR. TERRELL: Objection. Foundation.</p> <p>4 You may answer to the extent of your knowledge.</p> <p>5 A. I can't answer that.</p> <p>6 BY MR. HAMMER:</p> <p>7 Q. Okay.</p> <p>8 If you don't know, that's a perfectly good</p> <p>9 answer. Okay?</p> <p>10 Have you lived in this area your entire life?</p> <p>11 I think you told me you had.</p> <p>12 A. Yes.</p> <p>13 Q. Okay.</p> <p>14 And how far from Clarksburg is your home?</p> <p>15 A. 20 minutes.</p> <p>16 Q. And how long have you lived at this residence</p> <p>17 you're at now?</p> <p>18 A. Approximately probably ten years at my house.</p> <p>19 Q. At the same residence?</p> <p>20 A. Yes. Yes.</p> <p>21 Q. And are you married?</p> <p>22 A. Yes.</p> <p>23 Q. And to whom are you married?</p> <p>24 MR. TERRELL: Objection. Relevance.</p>

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1 BY MR. HAMMER:
 2 Q. Unless he tells you not to answer, you have to
 3 answer.
 4 MR. TERRELL: Yeah, you can answer.
 5 A. Is there...
 6 BY MR. HAMMER:
 7 Q. Yeah. I'm asking the questions, so you've got
 8 to answer.
 9 A. Is there -- is it relevant?
 10 Q. It could be. So tell me who you're married
 11 to.
 12 A. Robert Conley.
 13 Q. Okay.
 14 And how long have you-all been married?
 15 A. Since 2001.
 16 Q. Do you have any children?
 17 A. Yes.
 18 Q. And do your children live with you?
 19 A. Yes.
 20 Q. And how old are your children?
 21 A. 13. I have one.
 22 Q. One child. Okay.
 23 A. Uh-huh. I do have stepchildren, but they do
 24 not live with me.

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1 A. He knew that I worked the transaction.
 2 Q. Okay.
 3 And how did he know that?
 4 A. We, actually -- I guess we -- you know, we
 5 talked about me coming here today and why I had to come
 6 here today.
 7 Q. And that was the first time you talked about
 8 the transaction with him?
 9 A. Yes.
 10 Q. And when was that discussion held?
 11 A. It was when I found out that I had to do this.
 12 Q. Okay.
 13 And tell me as best you can exactly what you
 14 told him and what he told you.
 15 A. I don't recall the exact words. I just told
 16 him that I would have to give a deposition; it was
 17 related to a transaction that I had worked.
 18 He said, "Are you nervous? Are you worried?"
 19 And I said, "Yes, I'm nervous. I've never had
 20 to do this before. You know, I was told I would never
 21 have to do this." "So," I said, "yes, my nerves are a
 22 little, you know, shot, but, you know, I have to do it,
 23 so..."
 24 Q. Did you-all discuss anything substantive about

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1 Q. Okay.
 2 And what does your husband do for a living?
 3 A. He is a security guard.
 4 Q. Okay.
 5 And where is he a security guard?
 6 A. At the Fairmont General Hospital.
 7 Q. In Clarksburg?
 8 A. Fairmont.
 9 Q. Fairmont.
 10 A. Uh-huh.
 11 Q. Okay.
 12 Have you had any discussions with either any
 13 of your children or your husband about your work at the
 14 FBI?
 15 MR. TERRELL: Objection. Vague. You can
 16 answer.
 17 A. Can you clarify, like...
 18 BY MR. HAMMER:
 19 Q. I'm talking about -- about the events that
 20 we're here to discuss today.
 21 A. He knows I had to come here today to give a
 22 deposition.
 23 Q. Okay.
 24 Did he know of your role in this case at all?

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1 what your role was in the transaction?
 2 A. No. No.
 3 Q. That's what I'm trying to find out.
 4 A. No.
 5 Q. And I think you already told me that you were
 6 with the Fingerprint Division beginning in 1997?
 7 A. Correct.
 8 Q. And I was given an interview that says that,
 9 so that's correct information.
 10 And then I think it says you stayed in there
 11 till around two-thousand --
 12 A. Four.
 13 Q. -- four?
 14 A. Correct.
 15 Q. And did you become a legal instrument examiner
 16 in 2004?
 17 A. Yes.
 18 Q. What training did you have to become a legal
 19 instrument examiner?
 20 A. This was a long time ago when I actually was
 21 trained to -- I think it was a six-week course that we
 22 had our -- you know, we had our training for six weeks.
 23 We sat with examiners that already was doing the job for
 24 training as well.

5 (Pages 17 to 20)

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<p>1 Q. Okay.</p> <p>2 What exactly are your duties as a legal</p> <p>3 instrument examiner?</p> <p>4 A. Clarify.</p> <p>5 Q. Well, do you have a job description?</p> <p>6 A. Legal instruments examiner.</p> <p>7 Q. Okay.</p> <p>8 What does that consist of? What do you do as</p> <p>9 a legal instrument examiner?</p> <p>10 A. You work transactions.</p> <p>11 Q. Okay.</p> <p>12 And what do you do in order to work the</p> <p>13 transactions?</p> <p>14 A. Clarify.</p> <p>15 Q. Well, I'm trying to get the details. Like,</p> <p>16 you go in, you get a transaction. What do you do when</p> <p>17 you get the transaction? What is the first thing that</p> <p>18 you do?</p> <p>19 A. So the first step when you pull a transaction.</p> <p>20 Q. Right.</p> <p>21 A. You do an NTN inquiry.</p> <p>22 Q. Okay.</p> <p>23 That's -- NTN means what? National --</p> <p>24 Number -- what is NTN? Do you know what the initials --</p>	<p>1 A. NTN is what is assigned to the transaction.</p> <p>2 Q. Okay.</p> <p>3 That's a number, NTN number?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 And then what do you do after you get that</p> <p>7 number?</p> <p>8 A. Once -- once you pull the transaction, you'll</p> <p>9 have that NTN.</p> <p>10 Q. Right.</p> <p>11 A. Okay.</p> <p>12 The number that is assigned to that</p> <p>13 transaction.</p> <p>14 Q. Right.</p> <p>15 A. Okay.</p> <p>16 Then you work that transaction. So the first</p> <p>17 step was an NTN inquiry.</p> <p>18 Q. Okay.</p> <p>19 And how do you do that?</p> <p>20 A. An NTN inquiry is when you -- you click on the</p> <p>21 inquiry to see if there's any additional transactions</p> <p>22 for that subject out there.</p> <p>23 Q. Okay.</p> <p>24 And when you click on that transaction, where</p>
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<p>1 do you -- what do you -- what databases are you clicking</p> <p>2 on?</p> <p>3 MR. TERRELL: Objection. Vague.</p> <p>4 A. Yeah. Clarify.</p> <p>5 BY MR. HAMMER:</p> <p>6 Q. Well, what database -- what is it that you're</p> <p>7 clicking onto when you click on the transaction? What</p> <p>8 comes up on your screen?</p> <p>9 A. I'm not sure how to answer.</p> <p>10 Q. Well, suppose it's somebody who has been</p> <p>11 arrested and has -- has a lot of or some criminal</p> <p>12 history, would that come up on the screen when you</p> <p>13 click?</p> <p>14 A. The first information that you see is</p> <p>15 their -- their name, date of -- their descriptors.</p> <p>16 Q. Okay.</p> <p>17 A. Okay. That's what will pop up on the screen</p> <p>18 when you pull the transaction.</p> <p>19 Q. Okay.</p> <p>20 A. At the bottom there is databases highlighted.</p> <p>21 That would be hits that he would be in.</p> <p>22 Q. Okay.</p> <p>23 What databases, for example, would be</p> <p>24 highlighted?</p>	<p>1 A. III.</p> <p>2 Q. And what does III stand for?</p> <p>3 A. I don't know off the top of my head.</p> <p>4 Q. Okay.</p> <p>5 A. The III database contains FBI and state</p> <p>6 records.</p> <p>7 Q. Okay.</p> <p>8 And criminal records?</p> <p>9 A. Yes.</p> <p>10 Q. Is III Interstate Identification Index?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 So they have federal and state records in</p> <p>14 that?</p> <p>15 A. Yes.</p> <p>16 Q. And is that pretty normal, the main database</p> <p>17 that you look at?</p> <p>18 A. That is one of the databases that -- like I</p> <p>19 said, it would be highlighted if he would hit on --</p> <p>20 like, if he would have something out there, his name --</p> <p>21 we go by descriptors. So if there's a descriptor, like,</p> <p>22 with him, it would hit on that -- the III would</p> <p>23 highlight at the bottom of the screen. So that's when I</p> <p>24 know that there is an actual hit.</p>

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1 Q. Okay.

2 And there -- there's other databases that

3 you're supposed to check too -- is that correct? --

4 other than the III.

5 MR. TERRELL: Objection. Incomplete

6 hypothetical. You can answer.

7 A. There is other databases, but, like I said,

8 they would be highlighted if the subject would hit upon

9 them.

10 BY MR. HAMMER:

11 Q. Okay.

12 Are you required to check those other

13 databases?

14 MR. TERRELL: Objection. Vague.

15 Incomplete hypothetical. You can answer.

16 A. Can you clarify the question?

17 BY MR. HAMMER:

18 Q. I'm just asking you do you have any databases

19 that you're required to check?

20 MR. TERRELL: Same objection. You can

21 answer.

22 A. It depends on the transaction. It depends on

23 what is needed.

24 BY MR. HAMMER:

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1 Carolina?

2 A. Correct.

3 Q. And did you -- is that part of what you do is

4 research after you see there's a hit?

5 A. Research, yes, because you're researching the

6 database to see what, you know, what kind of history

7 they have.

8 Q. Okay.

9 And what -- what do you do to research?

10 That's what I'm asking in general. I'm not talking

11 about this case. We're going to get to this case later.

12 But I'm trying to see the scope of how you operate right

13 now. So tell me what -- what does your research consist

14 of? What do you do to research?

15 A. Okay.

16 So I would check -- I would run his FBI record

17 to see if there's any additional charges, to see if --

18 the charges on his FBI record. Because what is usually

19 in the database is his state -- state South Carolina

20 record. Okay? So we run the FBI number just to make

21 sure there's no additional charges listed. That -- once

22 we do that, the state record has already responded, so

23 we don't have to run an NCIC, because NCIC is where you

24 would try to obtain a state record. We already have the

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1 Q. Okay.

2 What is the next step you do after you have a

3 hit?

4 A. Like I said, I did the NTN inquiry which shows

5 to see if there's any additional hits, that he has any

6 other possible -- he's trying to purchase any additional

7 firearms. So that is an NTN inquiry. So that's what I

8 would check first.

9 Then the next step is I would look at to see

10 if it is a match, to see if the subject is a matching to

11 the record, because we get -- we only go by name

12 descriptors, so we do not have any other additional

13 information unless whatever they provide. So we based

14 on -- you know, that information is how we match the

15 record.

16 Once we match the record, we look through

17 their history, their state record or their -- if they

18 have an FBI record, federal record. Whatever they have

19 listed on that III, we look at it to see if there's any

20 disqualifiers.

21 Q. Okay.

22 The interview summary that I was given says

23 that your primary responsibility is to research

24 transactions for Region II, which includes South

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1 state record on file. It's already on the computer.

2 Q. Okay.

3 A. So then we would check to see in our DD -- DDF

4 if there's any highlighted on that database.

5 Q. Tell me what DDF is now.

6 A. That's where -- I don't know the actual

7 acronym. That is where we keep things that have --

8 we've already received from agencies. It's the actual

9 documents that come in that we've had, maybe he's tried

10 to purchase before, that we've saved. We can save

11 actual information that we receive from agencies on

12 that.

13 Q. Okay. And then --

14 A. So if there's anything -- if that box would be

15 highlighted, I would check that -- that database.

16 Q. Is the NICS Index also something that you

17 research? Isn't there a NICS Index?

18 A. We have a NICS Index, yes.

19 Q. Uh-huh. Do you look at that?

20 A. If it's highlighted.

21 Q. Okay.

22 Tell me what the NICS Index has.

23 A. NICS Index is where we have people who are --

24 we go by the federal prohibitors, people who have felony

7 (Pages 25 to 28)

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<p>1 convictions that is not on the record that we found in</p> <p>2 other databases like the website, or, of course, come</p> <p>3 back with us and told us that he has this additional</p> <p>4 felony conviction. We have indictments. We put</p> <p>5 indictments, people who have been indicted and who have</p> <p>6 not had a court date as of yet, so they're still under</p> <p>7 felony indictment. We have fugitive from justice;</p> <p>8 people with warrants; we have controlled substance users</p> <p>9 that we have -- that we go by federal law; we have</p> <p>10 mental defective; dishonorable discharge, like, for</p> <p>11 military; renounced citizenship; protection orders;</p> <p>12 misdemeanor crime of domestic violence; so all the</p> <p>13 prohibitors that we can enter into that database.</p> <p>14 Q. So you -- do you check that in a normal case</p> <p>15 too?</p> <p>16 A. If it would be highlighted, yes.</p> <p>17 Q. Okay.</p> <p>18 And if it's not highlighted?</p> <p>19 A. Then he's not in there.</p> <p>20 Q. Okay.</p> <p>21 And the interview also says you pride yourself</p> <p>22 on being a thorough examiner; is that a fair statement?</p> <p>23 A. I -- I work, yes. I do try to make sure that</p> <p>24 I do every transaction correctly to the best of my</p>	<p>1 knowledge.</p> <p>2 Q. Is the NICS -- I think you already said that</p> <p>3 it's part of the FBI?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 And does it -- is it one of the functions to</p> <p>7 make sure that handguns don't get into the wrong hands</p> <p>8 to -- as part of your job?</p> <p>9 MR. TERRELL: Objection. Foundation.</p> <p>10 You can answer.</p> <p>11 A. Clarify the question.</p> <p>12 BY MR. HAMMER:</p> <p>13 Q. Well, would you say that NICS is -- one of the</p> <p>14 main things that it does is to save lives and protect</p> <p>15 people from harm by not letting guns get into the wrong</p> <p>16 hands?</p> <p>17 A. We have to -- we have to follow federal law.</p> <p>18 We have to follow our SOPs. We follow the information</p> <p>19 that -- the federal guidelines.</p> <p>20 Q. Okay.</p> <p>21 What I'm asking is, is that one of the things</p> <p>22 that -- sort of your mission is to make sure that you</p> <p>23 protect people by not letting guns get into the wrong</p> <p>24 hands?</p>
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<p>1 MR. TERRELL: Objection. Foundation.</p> <p>2 Vague.</p> <p>3 A. Clarify.</p> <p>4 BY MR. HAMMER:</p> <p>5 Q. Well, I'm just asking you, you're in the NICS</p> <p>6 Section, and one of the missions that I understand is,</p> <p>7 is to protect people from harm by not letting guns fall</p> <p>8 into the wrong hands.</p> <p>9 MR. TERRELL: Objection. Vague.</p> <p>10 BY MR. HAMMER:</p> <p>11 Q. Is that correct?</p> <p>12 MR. TERRELL: Foundation. You can</p> <p>13 answer.</p> <p>14 A. We go by -- like I said, we have to follow the</p> <p>15 federal law. We have to follow procedure.</p> <p>16 BY MR. HAMMER:</p> <p>17 Q. I understand that. But I'm asking you a</p> <p>18 specific question. Is that a correct understanding of</p> <p>19 your -- of what NICS is set up to do?</p> <p>20 MR. TERRELL: Objection. Foundation.</p> <p>21 BY MR. HAMMER:</p> <p>22 Q. That's a "yes" or "no," and then you can</p> <p>23 explain. If you don't know, you can say you don't know.</p> <p>24 A. I don't know.</p>	<p>1 Q. Okay.</p> <p>2 You talked about SOPs just a minute ago.</p> <p>3 A. Yes.</p> <p>4 Q. Is that Standard Operating Procedures?</p> <p>5 A. Yes.</p> <p>6 Q. Are those mandatory, those things that you</p> <p>7 have to follow?</p> <p>8 A. Yes.</p> <p>9 Q. What are the responses that you can give once</p> <p>10 you've -- is there any more research that you can tell</p> <p>11 me that you -- you do on these transactions?</p> <p>12 MR. TERRELL: Objection. Vague.</p> <p>13 Incomplete hypothetical.</p> <p>14 A. Clarify.</p> <p>15 BY MR. HAMMER:</p> <p>16 Q. Well, I'm asking you what research you've</p> <p>17 done. You've told me about some of it. I'm asking you</p> <p>18 is there other research that you do on these</p> <p>19 transactions?</p> <p>20 A. We do if there is websites that we have</p> <p>21 actually been approved that we can research for certain</p> <p>22 states.</p> <p>23 Q. Okay.</p> <p>24 A. So we -- I did check the website for South</p>

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<p>1 Carolina.</p> <p>2 Q. Okay.</p> <p>3 A. We do have a website.</p> <p>4 Q. Okay.</p> <p>5 And is there any other research that you can</p> <p>6 do?</p> <p>7 A. Clarify.</p> <p>8 Q. Well, you've given me -- you just said you</p> <p>9 have a website.</p> <p>10 A. Correct.</p> <p>11 Q. And I don't know what you do, so I'm asking</p> <p>12 you, is that all of it or is there more? If there's</p> <p>13 more, you've got to tell me what it is.</p> <p>14 A. I already ran through the other databases.</p> <p>15 Q. I understand. I'm not talking about what</p> <p>16 you've already told me. I'm talking about anything</p> <p>17 else.</p> <p>18 A. After the website?</p> <p>19 Q. Yes.</p> <p>20 A. Then we would fax out for information.</p> <p>21 Q. Okay.</p> <p>22 Is that part of your research?</p> <p>23 A. Yes.</p> <p>24 Q. Okay.</p>	<p>1 And then what do you do when you get the fax</p> <p>2 response back?</p> <p>3 A. I would document into the transaction.</p> <p>4 Q. Okay.</p> <p>5 What is the purpose of faxing out for</p> <p>6 information? What are you looking for?</p> <p>7 A. It depends on the charge.</p> <p>8 Q. Okay.</p> <p>9 Give me "for examples," just --</p> <p>10 MR. TERRELL: Number four?</p> <p>11 MR. HAMMER: No. For example.</p> <p>12 BY MR. HAMMER:</p> <p>13 Q. Give me an example of what you're talking</p> <p>14 about.</p> <p>15 MR. TERRELL: Objection. Relevance. You</p> <p>16 can answer.</p> <p>17 A. For instance, if you had a charge of DUI.</p> <p>18 BY MR. HAMMER:</p> <p>19 Q. Right.</p> <p>20 A. I would fax out for the incident report to</p> <p>21 obtain the incident report to see if it was alcohol or</p> <p>22 drug related. I would try to get the disposition. In</p> <p>23 some states you would need the conviction level for</p> <p>24 that -- for that charge.</p>
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<p>1 Q. So when you get some charge that you're</p> <p>2 unclear about whether it's a prohibitor or not --</p> <p>3 A. Correct.</p> <p>4 Q. -- what you do is research by trying to obtain</p> <p>5 information from wherever you can obtain it from; is</p> <p>6 that fair?</p> <p>7 MR. TERRELL: Objection. Vague.</p> <p>8 A. Clarify.</p> <p>9 BY MR. HAMMER:</p> <p>10 Q. Well, what do you -- do you try and obtain</p> <p>11 information to make a final determination when you --</p> <p>12 when you have a question?</p> <p>13 A. When I actually need to research?</p> <p>14 Q. Yes.</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 Anything else in research that you do?</p> <p>18 A. Clarify.</p> <p>19 Q. Well, if you don't -- can't think of anything</p> <p>20 right now, just tell me you can't.</p> <p>21 A. Okay. I don't -- I don't know.</p> <p>22 Q. Okay. That's okay.</p> <p>23 A. Okay.</p> <p>24 Q. After you do your research, are you trying to</p>	<p>1 get a final answer to whether or not the transaction</p> <p>2 should go forward or be delayed or --</p> <p>3 A. Denied.</p> <p>4 Q. -- or denied?</p> <p>5 A. Yes.</p> <p>6 Q. Is that what you're looking for from your</p> <p>7 research?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 And when do you decide that it's proper to go</p> <p>11 forward and allow the transaction?</p> <p>12 A. Clarify.</p> <p>13 Q. Well, what is your understanding of what the</p> <p>14 rules are or the regulations that allow you to issue a</p> <p>15 "proceed" on a transaction, or do you know?</p> <p>16 A. If I would get a dismissal, then it could be a</p> <p>17 "proceed."</p> <p>18 Q. Okay.</p> <p>19 And do you know when it's proper to give a</p> <p>20 "delayed" response?</p> <p>21 A. It is in "delay" when I receive it.</p> <p>22 Q. Okay.</p> <p>23 And when you receive it, it's already in</p> <p>24 "delayed"?</p>

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<p>1 A. Yes.</p> <p>2 Q. And do you keep it in "delayed"?</p> <p>3 A. Yes.</p> <p>4 Q. Okay.</p> <p>5 So you don't make the determination to delay</p> <p>6 or not. You didn't make that determination.</p> <p>7 A. Correct.</p> <p>8 Q. Okay.</p> <p>9 And do you know when it's proper to give a</p> <p>10 "denied" response?</p> <p>11 A. Yes.</p> <p>12 Q. So when it comes to you, it's in "delayed,"</p> <p>13 and your objective is either to get it into "approved"</p> <p>14 or "denied"?</p> <p>15 A. Correct.</p> <p>16 Q. Is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. And that's what the research is for?</p> <p>19 A. Correct.</p> <p>20 Q. And when do you deny it? Under what</p> <p>21 circumstances would you give a denial?</p> <p>22 A. When it would meet one of the federal</p> <p>23 prohibitors.</p> <p>24 Q. Okay.</p>	<p>1 And I think you said you have access to the</p> <p>2 NCIC database?</p> <p>3 A. Yes.</p> <p>4 Q. And to the III database?</p> <p>5 A. Yes.</p> <p>6 Q. And to the NICS Index database?</p> <p>7 A. NICS Index, correct.</p> <p>8 Q. Is that a separate database?</p> <p>9 A. It's -- it's still all part of where -- I</p> <p>10 mean, there's -- NICS Index is where they put the, like</p> <p>11 I said, the denied people, the ones that are -- would</p> <p>12 be, like, already have a deny of some sort. That's why</p> <p>13 they would be in NICS Index.</p> <p>14 Q. They would be in NICS Index if they were</p> <p>15 already denied?</p> <p>16 A. Yes.</p> <p>17 Q. And who maintains the NICS Index?</p> <p>18 MR. TERRELL: Objection. Foundation.</p> <p>19 BY MR. HAMMER:</p> <p>20 Q. Is that a CJIS-maintained index?</p> <p>21 MR. TERRELL: Objection. Foundation.</p> <p>22 You can answer.</p> <p>23 A. It's part of NICS.</p> <p>24 BY MR. HAMMER:</p>
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<p>1 Q. Okay.</p> <p>2 And is NICS part of CJIS?</p> <p>3 A. Yes.</p> <p>4 Q. And so CJIS maintains that database?</p> <p>5 A. The NICS Index?</p> <p>6 Q. Yes.</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 And does that mean the FBI maintains it?</p> <p>10 MR. TERRELL: Objection. Foundation.</p> <p>11 A. I -- I don't know.</p> <p>12 BY MR. HAMMER:</p> <p>13 Q. Well, CJIS is a section of the FBI.</p> <p>14 A. Right. So, yes.</p> <p>15 Q. Do you know what the N-DEx database is?</p> <p>16 A. No.</p> <p>17 Q. Ever heard of that?</p> <p>18 A. No. I have heard of it, but I -- I do not</p> <p>19 know anything about it.</p> <p>20 Q. Okay.</p> <p>21 What did you hear about it? Where have you</p> <p>22 heard about it?</p> <p>23 A. I just heard that -- that there was something</p> <p>24 that we was going to look into after the inspection.</p>	<p>1 Q. When did you hear that?</p> <p>2 A. It was -- it was during the inspection. I</p> <p>3 don't recollect, but I know that it was something that</p> <p>4 was brought up.</p> <p>5 Q. What inspection are you talking about?</p> <p>6 A. We had an inspection. I -- I'm not sure</p> <p>7 how -- how late after all this had happened.</p> <p>8 Q. You mean an inspection about this transaction</p> <p>9 that we have with Dylann Roof? Was that --</p> <p>10 A. I think the inspection was for the overall</p> <p>11 of -- of NICS.</p> <p>12 Q. So it really wasn't geared to that. It was</p> <p>13 just a regular inspection?</p> <p>14 A. I -- I can't answer that.</p> <p>15 Q. Okay.</p> <p>16 Were you interviewed during that inspection?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 When did you first hear about the shooting at</p> <p>20 Mother Emanuel church? Do you know?</p> <p>21 A. Clarify.</p> <p>22 Q. Did you hear about the shooting in Charleston,</p> <p>23 South Carolina, where people were killed at the church?</p> <p>24 A. I know that it happened.</p>

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<p>1 Q. Okay.</p> <p>2 When did you first hear about that, best you</p> <p>3 can remember?</p> <p>4 A. I really -- I don't remember.</p> <p>5 Q. Okay.</p> <p>6 When you first heard about it, what exactly</p> <p>7 came to your mind?</p> <p>8 A. I thought it was terrible.</p> <p>9 Q. And when did you realize that the gun used in</p> <p>10 that shooting was -- was one on which you had performed</p> <p>11 the background check?</p> <p>12 A. I don't remember the date when someone had</p> <p>13 told me. I don't remember.</p> <p>14 Q. Okay.</p> <p>15 Was it shortly after the shooting or long</p> <p>16 after the shooting?</p> <p>17 A. I don't remember.</p> <p>18 Q. And you didn't realize you had done it;</p> <p>19 someone else told you that you had done the check?</p> <p>20 A. Correct.</p> <p>21 Q. Who was it that told you?</p> <p>22 A. I don't remember.</p> <p>23 Q. I mean, was it somebody at work, one of your</p> <p>24 supervisors?</p>	<p>1 A. I really -- I don't remember when -- like I</p> <p>2 said, that was so long ago I really don't remember. I</p> <p>3 don't want to give names because I don't know.</p> <p>4 Q. Okay.</p> <p>5 What was -- which SOPs do you follow? Can you</p> <p>6 give me some idea about what your SOPs require you to</p> <p>7 do?</p> <p>8 MR. TERRELL: Objection. Vague.</p> <p>9 A. Yeah. Clarify.</p> <p>10 BY MR. HAMMER:</p> <p>11 Q. Well, you said -- you said -- you told me that</p> <p>12 there are certain SOPs that are mandatory, that you're</p> <p>13 required to follow those.</p> <p>14 A. We have a lot of SOPs.</p> <p>15 Q. Okay.</p> <p>16 A. I pull them up when I -- because I couldn't --</p> <p>17 I couldn't tell you offhand.</p> <p>18 Q. Okay.</p> <p>19 What was your role in the Dylann Roof</p> <p>20 background check?</p> <p>21 A. Clarify.</p> <p>22 Q. Well, I want to know --</p> <p>23 A. I worked the transaction.</p> <p>24 Q. You worked the transaction. So did</p>
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<p>1 you -- were you following standard operating procedures</p> <p>2 when you were working that transaction?</p> <p>3 A. Yes, I did.</p> <p>4 Q. To the best of your knowledge?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 And what I'm asking you is what standard</p> <p>8 operating procedures governed what you did in that</p> <p>9 transaction?</p> <p>10 MR. TERRELL: Objection. Foundation.</p> <p>11 You can answer.</p> <p>12 A. Clarify the question.</p> <p>13 BY MR. HAMMER:</p> <p>14 Q. Well, if you don't know, just tell me. I</p> <p>15 don't know that -- you said there's a lot of them.</p> <p>16 A. I don't have the SOPs in front of me. I</p> <p>17 don't -- like I said, I can't honestly answer that</p> <p>18 without having them.</p> <p>19 Q. Okay. We'll get to that later, then.</p> <p>20 Do you remember what you -- what you did</p> <p>21 generally in that transaction?</p> <p>22 A. Every transaction I do an NTN inquiry. I look</p> <p>23 to see if it's a match. I -- I looked at the databases</p> <p>24 to see what's highlighted, to see what he has hit on. I</p>	<p>1 like to see if he has any criminal charges that need</p> <p>2 researched.</p> <p>3 Q. You had an interview about this transaction,</p> <p>4 though, with the Inspection Division later, didn't you?</p> <p>5 A. It was -- it was -- yes. It was -- it was</p> <p>6 questioned.</p> <p>7 Q. Okay.</p> <p>8 And do you remember what you told them you</p> <p>9 did?</p> <p>10 A. I -- I went through the steps like I told you</p> <p>11 of what I -- step by step of the transaction.</p> <p>12 Q. Did you -- did you remember contacting the</p> <p>13 Lexington County Sheriff's Department? Do you remember</p> <p>14 telling them you did that, or you don't remember that?</p> <p>15 A. If that was the arresting agency that was on</p> <p>16 the transaction, then that's who I contacted.</p> <p>17 Q. Does the SOPs require you to contact the</p> <p>18 arresting agency?</p> <p>19 A. It depends on the information that is</p> <p>20 required.</p> <p>21 Q. Okay.</p> <p>22 If you have a hit that shows something</p> <p>23 potentially prohibiting, are you required to contact the</p> <p>24 arresting agency?</p>

11 (Pages 41 to 44)

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1 A. It depends on the charge and what I'm looking
2 for.
3 Q. Okay.
4 Say it's a felony.
5 A. If they have disposition information, then I
6 would contact the agency.
7 Q. But you wouldn't know that until you contacted
8 them; right?
9 A. Our information that we have -- our
10 information pages usually list or our contact list
11 usually lists what the agencies will have.
12 Q. Okay.
13 I think we've gone over some of these things,
14 and I just want to confirm with you. You tell me
15 whether this is a correct statement: NICS receives
16 requests for background checks on potential buyers from
17 firearm dealers. Is that correct?
18 A. Can you say that again?
19 Q. NICS receives requests for background checks
20 on potential buyers from the firearms dealers.
21 A. Yes.
22 Q. NICS searches its databases, the databases it
23 maintains, for matching information.
24 A. So, clarify, like...

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1 listed?
2 A. I mean, it was in 2015, so, like I said, if
3 I -- I -- we do not -- I do not -- I did not keep
4 anything of this. This -- you know, this was -- we
5 don't keep transactions, like, documents and stuff like
6 that.
7 Q. I'll get to this more specifically later. I
8 just want to know right now if you remember any of these
9 things just from having talked to the examiner or
10 anything else. Do you remember that you were told to
11 check with the Columbia Police Department to get the
12 report?
13 A. I received a fax back, and it -- and I
14 remember it saying Columbia PD. I went to my contact
15 list for Lexington County. We had a West Columbia PD
16 listed, so I faxed out to that agency.
17 Q. And you actually were told to go to the
18 Columbia police, and you faxed out to the West Columbia
19 police?
20 A. Like I said, in Lexington County, that was the
21 actual county that was listed on his record that -- so a
22 lot of time the agencies will just write, you know, to
23 the point, you know, they don't write a lot of
24 information, you know, so they -- you know, they didn't

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1 Q. As to the person who --
2 A. To make sure it's a match.
3 Q. Yeah. Is that correct?
4 A. Correct.
5 Q. And then you provide one of three possible
6 responses to the dealer, either proceed, delayed, or
7 denied.
8 A. Correct.
9 Q. Is that correct so far?
10 A. Uh-huh.
11 Q. And I think you said you were assigned to the
12 Roof transaction.
13 A. I pulled it from the delay queue, yes.
14 Q. Do you remember that he was listed as having
15 been arrested on a felony drug charge?
16 A. I don't remember. I have not seen the case.
17 Q. Okay.
18 A. I -- so unless I would see the actual case
19 report, like, the actual transaction --
20 Q. Okay.
21 A. -- I can't state.
22 Q. Okay.
23 And you don't remember whether it was
24 Lexington County Sheriff's Office or another office was

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1 tell me that it was in a different county. They just
2 wrote "Columbia." So by my contact list, I went to West
3 Columbia PD because that was the closest thing that I
4 had in that county. That is why I went there.
5 Q. Okay.
6 And you found that they had no record of
7 Roof's arrest from West Columbia; is that correct?
8 A. I don't remember the response, if I got a
9 response from them.
10 Q. If you got a response and it said it
11 was -- there was no record of his request, would that
12 surprise you?
13 A. No.
14 Q. Okay.
15 And do you remember anything else you did
16 after you got that record of no -- had no record of his
17 report from the arrest from the West Columbia Police
18 Department?
19 A. Like I said, I don't remember if I received a
20 response or not.
21 Q. Okay.
22 Do you remember anything else about the case
23 other than what we just talked about?
24 A. Without looking at the case history, I would

12 (Pages 45 to 48)

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1 not want to...

2 Q. Do you remember anything else that was going

3 on that day or anything else, any other cases you were

4 working on?

5 A. No.

6 Q. Was it a pretty normal, routine time?

7 A. It was just -- I mean, a normal day is you

8 pull a transaction, you work it, you go to the next

9 transaction.

10 Q. Do you know whether the NICS Section is a

11 criminal justice -- is a -- I'm sorry. Withdraw the

12 question. I'll just ask you some others.

13 You don't know anything about the N-DEx

14 system --

15 A. No.

16 Q. -- data system?

17 Did you hear anything about it after -- after

18 the fact that they had an incident report from the

19 Columbia police in the N-DEx database? N-D-E-x.

20 A. I don't remember.

21 Q. Have you ever heard that?

22 A. I have heard of -- like I said, I know that

23 after this had happened, that someone had brought up the

24 N-DEx, about possibly if NICS could get this.

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1 trying to see if we could obtain this database.

2 Q. Okay.

3 Let me ask you something. When you heard that

4 talk -- this is a specific question -- did you hear that

5 the N-DEx system is managed by the CJIS?

6 A. No, I didn't hear that.

7 Q. If it was managed by the CJIS, is there any

8 reason that NICS, being a section of CJIS, could not get

9 that?

10 MR. TERRELL: Objection. Foundation.

11 A. I can't answer that.

12 BY MR. HAMMER:

13 Q. Is that something you just don't know? It's

14 beyond your knowledge?

15 A. Correct.

16 Q. Okay.

17 Do you know anything more about the N-DEx

18 system? For example, did you know that it has

19 information available that would not be contained in the

20 NCIC or the III?

21 A. I -- I think that when someone said about

22 introducing, that they would have additional reports and

23 information.

24 Q. Was your understanding they would have the

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1 Q. "Somebody" being who had brought it up?

2 A. I don't -- I don't remember. I just know that

3 I remember hearing about it, but I can't give names. I

4 don't remember.

5 Q. All right.

6 Was it at work you heard about it?

7 A. Yes.

8 Q. Okay.

9 So it was somebody who worked with you?

10 A. Like I said, I just -- I remember talk

11 about -- about the NICS Index -- or N-DEx, but I don't

12 remember exactly. Like I said, I don't remember who

13 said what.

14 Q. Was the talk -- did the talk say the N-DEx

15 system is developed and managed by the FBI's CJIS

16 Division, as best you know?

17 A. The N-DEx?

18 Q. N-D-E-x.

19 A. I don't know.

20 Q. You don't know?

21 A. I don't --

22 Q. You didn't hear that? You said you heard

23 talk. I'm trying to hear what you're trying --

24 A. Like I say, I just know after that they were

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1 records and N-DEx would include the incident or case

2 reports?

3 A. It just -- yeah. It would be, like,

4 additional police reports.

5 Q. Okay.

6 What is the regional POC database? Do you

7 know what that is?

8 A. Clarify.

9 Q. Well, in the interview I think it says you

10 checked the regional POC database is what the

11 interviewer said. Do you know what that means?

12 A. No.

13 Q. Do you know what that is?

14 A. No.

15 Q. There's a NICS Index team. Do you know what

16 that is?

17 A. NICS Index team?

18 Q. Yes.

19 A. Yes.

20 Q. Who is that? Or what is that?

21 A. NICS Index is where, like I said before about

22 the federal prohibitors being in the database, that

23 the -- it would enter someone who would have, like I

24 said, a felony conviction that may not be on the record,

13 (Pages 49 to 52)

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<p>1 additional information we found from a court</p> <p>2 that -- that we need to put into the system that would</p> <p>3 not normally be there.</p> <p>4 Q. Okay.</p> <p>5 Is it against the law for certain people to</p> <p>6 have -- to obtain a firearm?</p> <p>7 MR. TERRELL: Objection. Calls for a</p> <p>8 legal conclusion. Foundation.</p> <p>9 A. Yeah. I can't answer that.</p> <p>10 BY MR. HAMMER:</p> <p>11 Q. As far as you know?</p> <p>12 Are there certain prohibitors that you would</p> <p>13 prohibit someone from obtaining a firearm, if you found</p> <p>14 out it wouldn't go through?</p> <p>15 A. If they had one of the federal prohibitors</p> <p>16 prohibiting them.</p> <p>17 Q. It would make it illegal for them to have a</p> <p>18 gun?</p> <p>19 A. Yes.</p> <p>20 Q. So that would make it against the law to have</p> <p>21 a gun if they had one of the federal prohibitors?</p> <p>22 MR. TERRELL: Objection. Calls for a</p> <p>23 legal conclusion. Foundation.</p> <p>24 BY MR. HAMMER:</p>	<p>1 Q. Is that correct?</p> <p>2 A. Clarify.</p> <p>3 Q. Well, you just told me that if there's a</p> <p>4 federal prohibitor, it would be illegal --</p> <p>5 A. If they actually have a conviction.</p> <p>6 Q. Yes. If they have a federal prohibitor. Some</p> <p>7 of them are not convictions. Like users of drugs, you</p> <p>8 don't need a conviction for that.</p> <p>9 A. That would be -- that is something different.</p> <p>10 Q. Okay.</p> <p>11 But that's one of the prohibitors, isn't it?</p> <p>12 A. The -- for -- for drugs?</p> <p>13 Q. Yes.</p> <p>14 A. Yes. But there's stipulations. Like I said,</p> <p>15 you would have to have -- follow the federal -- federal</p> <p>16 law, the SOPs, and...</p> <p>17 Q. And what I'm asking you, those are criminal</p> <p>18 justice violations, criminal law violations, if somebody</p> <p>19 tries to obtain a gun or obtains a gun that is</p> <p>20 prohibited from obtaining a gun. In other words, a</p> <p>21 felon who obtains a gun, that's illegal; right?</p> <p>22 MR. TERRELL: Objection. Calls for a</p> <p>23 legal conclusion. Foundation.</p> <p>24 A. Yeah. I -- I mean, I can't answer. If I</p>
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<p>1 didn't know that they had a felony conviction --</p> <p>2 BY MR. HAMMER:</p> <p>3 Q. No, but I'm just saying if they did have a</p> <p>4 felony conviction and they obtained a gun, is that</p> <p>5 illegal?</p> <p>6 MR. TERRELL: Objection. Calls for a</p> <p>7 legal conclusion. Foundation.</p> <p>8 MR. McLEOD: Mr. Terrell, just -- I'm not</p> <p>9 fussing, but under our rules, you can't make speaking</p> <p>10 objections. And under our rules, if we agree as</p> <p>11 opposing counsel that any objection you have other than</p> <p>12 privilege is not waived, which we are all agreeing, then</p> <p>13 all your objections are not waived except for privilege.</p> <p>14 There's no need to state your objection. I'm just</p> <p>15 giving you a little caution before I start asking</p> <p>16 questions.</p> <p>17 MR. TERRELL: I understand.</p> <p>18 MR. McLEOD: Okay. Good.</p> <p>19 MR. TERRELL: I can't make speaking -- I</p> <p>20 agree. This is not a speaking objection.</p> <p>21 MR. McLEOD: Good.</p> <p>22 MR. TERRELL: I'm providing the basis for</p> <p>23 my objection. Calls for a legal conclusion.</p> <p>24 MR. HAMMER: All you have to do is just</p>	<p>1 say, "Object."</p> <p>2 MR. HOWE: You don't have to provide --</p> <p>3 MR. HAMMER: You don't have to provide</p> <p>4 the basis.</p> <p>5 MR. McLEOD: What I'm telling you is all</p> <p>6 of your objections, okay, belong to you and they are not</p> <p>7 waived because we agree that they aren't waived. So the</p> <p>8 "object to the form of the question" is the only proper</p> <p>9 objection.</p> <p>10 MR. TERRELL: Well, this is a form</p> <p>11 objection.</p> <p>12 MR. WILSON: Well --</p> <p>13 MR. HAMMER: You can say, "Object to the</p> <p>14 form," but that's all you have to say.</p> <p>15 MR. McLEOD: We can keep going. I'm just</p> <p>16 giving you warning before I start asking.</p> <p>17 MR. WILSON: Let me just clarify because</p> <p>18 our local rules specifically state that you're not</p> <p>19 supposed to make any sort of objection that suggests an</p> <p>20 answer to the witness. And I am going to -- yeah, I</p> <p>21 mean, I'm going to start --</p> <p>22 MR. McLEOD: And that's Local Rule</p> <p>23 30.4 -- 30.04.</p> <p>24 MR. WILSON: And I'm sure that's a</p>

14 (Pages 53 to 56)

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<p>1 commonly adopted local rule.</p> <p>2 BY MR. HAMMER:</p> <p>3 Q. So let me ask you this: Is it a crime for a</p> <p>4 felon to have a gun?</p> <p>5 MR. TERRELL: Objection to form.</p> <p>6 A. Legally, if he has a felony conviction, then</p> <p>7 he would be -- he would be denied.</p> <p>8 BY MR. HAMMER:</p> <p>9 Q. Okay.</p> <p>10 A. Unless -- unless he would have restoration of</p> <p>11 rights.</p> <p>12 Q. Okay.</p> <p>13 But under one of the prohibitors that you</p> <p>14 have, if any of those prohibitors are found to exist,</p> <p>15 then it's illegal for the person who is trying to obtain</p> <p>16 a gun to obtain it; is that correct?</p> <p>17 MR. TERRELL: Objection. Vague.</p> <p>18 A. I'm going to say clarify. I want to make sure</p> <p>19 that I'm answering correctly.</p> <p>20 BY MR. HAMMER:</p> <p>21 Q. Okay.</p> <p>22 There's certain prohibitors that you look for</p> <p>23 when you're doing your search.</p> <p>24 A. Correct.</p>	<p>1 Q. Okay.</p> <p>2 If you find one of those prohibitors, does it</p> <p>3 prohibit the person who is trying to get the gun from</p> <p>4 getting the gun?</p> <p>5 MR. TERRELL: Objection. Foundation.</p> <p>6 A. It depends on, like I said, the information</p> <p>7 that I find.</p> <p>8 BY MR. HAMMER:</p> <p>9 Q. Okay.</p> <p>10 If you find that one of the prohibitors</p> <p>11 exists --</p> <p>12 A. If I actually have where the subject has been</p> <p>13 convicted or if the subject is under indictment or if</p> <p>14 the subject has firearm restrictions, if the subject</p> <p>15 would have a positive drug test, it depends on what the</p> <p>16 situation -- what the charge, what the situation is.</p> <p>17 Q. Okay.</p> <p>18 But certain things are prohibited. You would</p> <p>19 deny the transaction if you found these prohibitors?</p> <p>20 A. If -- if I had had the actual documentation</p> <p>21 from the court saying that he does have a felony</p> <p>22 conviction, yes, I would deny it.</p> <p>23 Q. Okay.</p> <p>24 And some of the things don't even require</p>
Page 59	Page 60
<p>1 conviction.</p> <p>2 A. Correct.</p> <p>3 Q. Okay.</p> <p>4 A. The -- the actual federal prohibitor for</p> <p>5 Number 3, which is drugs --</p> <p>6 Q. Right.</p> <p>7 A. -- for inference, current inference --</p> <p>8 Q. Right.</p> <p>9 A. -- you can deny on within the past year.</p> <p>10 Q. And what I'm asking you is, is that a criminal</p> <p>11 law violation for the person to get a gun if they're</p> <p>12 prohibited?</p> <p>13 MR. TERRELL: Objection. Foundation.</p> <p>14 A. Legally, I can't --</p> <p>15 BY MR. HAMMER:</p> <p>16 Q. You don't know whether that is or not?</p> <p>17 A. Huh-uh.</p> <p>18 Q. Is that what you're saying, you don't know?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay.</p> <p>21 Well, is NICS a criminal justice agency? Do</p> <p>22 you know that?</p> <p>23 A. I -- clarify.</p> <p>24 Q. Well, do you know what a criminal justice</p>	<p>1 agency is?</p> <p>2 A. I don't know.</p> <p>3 Q. Okay.</p> <p>4 Do you know the Code of Federal Regulations</p> <p>5 requires you to undertake some actions when you're doing</p> <p>6 a search of the databases?</p> <p>7 MR. TERRELL: Objection. Vague.</p> <p>8 BY MR. HAMMER:</p> <p>9 Q. Are you familiar with that?</p> <p>10 A. I need clarification.</p> <p>11 Q. Do you -- are you familiar with any of the</p> <p>12 Code of Federal Regulations which apply to your work?</p> <p>13 A. I don't -- I don't know.</p> <p>14 Q. Okay.</p> <p>15 So you're not familiar with them?</p> <p>16 A. I -- I don't know what you're asking.</p> <p>17 Q. Okay.</p> <p>18 Well, the Code of Federal Regulations says</p> <p>19 you're required to search certain databases. Did you</p> <p>20 know that?</p> <p>21 A. Like I said, I follow our procedures, our</p> <p>22 standard operating procedures, so that's what I go by.</p> <p>23 Q. So you don't follow the Code of Federal</p> <p>24 Regulations?</p>

15 (Pages 57 to 60)

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1 A. I don't know if that's the same thing. I
2 don't know.

3 Q. Do you search the NICS database, the NCIC, and
4 the III in each transaction for -- to find any matching
5 records?

6 A. I -- I already stated that if the database is
7 highlighted, that I would check that database to see if
8 it is a match.

9 Q. Do you issue a denial when at least one
10 matching record is found in either the NICS Index, NCIC,
11 or III that provides information demonstrating that
12 receipt of a firearm by the prospective transferee would
13 violate 18 U.S.C. 922?

14 MR. TERRELL: Objection. Foundation.

15 A. Can you -- can you --

16 BY MR. HAMMER:

17 Q. I can repeat the question.

18 A. Yeah. Okay.

19 Q. Do you issue a denial when at least one
20 matching record is found in either the NICS Index, NCIC,
21 or III that provides information demonstrating that the
22 receipt of a firearm by the prospective transferee would
23 violate 18 U.S.C. 922?

24 A. If he is an actual match to one of the

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1 databases, that actually would prohibit him. As far as,
2 like, NICS Index, if he was a match to NICS Index, then
3 he would be denied.

4 Q. How about if he was a match to NCIC or III?

5 A. NCIC is -- usually, further information is
6 needed. That's where your warrants, your protection
7 orders, probation, sexual offenders, that's usually
8 where those pop up. So you would have to have
9 additional information if it was on one of those -- on
10 that database.

11 III, now, if he has an actual conviction on
12 his III record that would prohibit him, then, yes, he
13 could be denied.

14 Q. Okay.

15 In your research that you do, do you
16 understand that you're required to make every effort to
17 obtain the necessary information in order to reach a
18 final disposition on a NICS transaction in the research
19 phase?

20 A. Yes.

21 Q. You do?

22 A. (Moves head up and down.)

23 Q. And do you understand that making every effort
24 would at least make it mandatory that you check the

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1 available databases -- the databases that are available
2 to obtain the necessary information in order to reach a
3 final decision on the NICS transaction?

4 MR. TERRELL: Objection. Vague.

5 A. The -- the actual databases that we are --
6 that we are required, that we have access to, that would
7 be relevant to the -- to that -- to that transaction,
8 yes.

9 BY MR. HAMMER:

10 Q. So you're required to check the available
11 databases relevant to the transaction?

12 A. That we have access to.

13 Q. Okay.

14 MR. HAMMER: Can you get me page 282,
15 please.

16 BY MR. HAMMER:

17 Q. I'm going to show you what has been provided
18 to us by the Government as FBI-00000282. Would you take
19 a look at that for me? Take a minute to read it.

20 MR. TERRELL: I would ask that the
21 witness be provided the complete document.

22 MR. HAMMER: Well, I'm asking the
23 questions, and if she wants the complete documents,
24 we'll get her the complete documents, but I've got a

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1 question about that page.

2 A. Okay.

3 BY MR. HAMMER:

4 Q. And is that part of SOP Number 5.5.5 that I
5 just showed you?

6 A. Yes.

7 MR. HAMMER: Can we mark that as Exhibit
8 Number 1, please.

9 * * *

10 (Whereupon, Conley Deposition Exhibit
11 No. 1 marked for purposes of identification.)

12 * * *

13 BY MR. HAMMER:

14 Q. Is that one of the SOPs that you're required
15 to follow?

16 A. Yes.

17 Q. Okay.

18 And I'm going to get you some more pages to go
19 behind that.

20 MR. HAMMER: Let's get page 20, 41, 45.
21 I might have them already here for you.

22 * * *

23 (Whereupon, a discussion was held off the
24 record.)

16 (Pages 61 to 64)

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<p>1 * * *</p> <p>2 BY MR. HAMMER:</p> <p>3 Q. I want you to take a look at these documents.</p> <p>4 FBI-41, 45, 46, 48, 49, 82, 83, and 84. (Tendered)</p> <p>5 MR. WILSON: 382, 383, and 384.</p> <p>6 MR. HAMMER: That's it. I'm sorry.</p> <p>7 BY MR. HAMMER:</p> <p>8 Q. Do you recognize that package?</p> <p>9 A. I recognize the website, South Carolina</p> <p>10 website.</p> <p>11 Q. Give me the page number.</p> <p>12 A. 41.</p> <p>13 Q. Okay.</p> <p>14 A. This is the website that I had found the</p> <p>15 subject -- the case -- the status was pending.</p> <p>16 Q. Okay. All right. Go to the next page.</p> <p>17 A. This was the --</p> <p>18 Q. Page number?</p> <p>19 A. 45. Lexington County Sheriff. This was our</p> <p>20 fax out to the sheriff's office.</p> <p>21 Q. Right.</p> <p>22 A. 46 was the response back --</p> <p>23 Q. Right.</p> <p>24 A. -- from the sheriff's office.</p>	<p>1 Q. Right. Next page.</p> <p>2 A. West Columbia PD, 48. It was a fax received</p> <p>3 back from them.</p> <p>4 Q. It was a fax sent to them too; right?</p> <p>5 A. Yes.</p> <p>6 Q. And they received back?</p> <p>7 A. Yes. And I received back.</p> <p>8 Q. Keep going. 49 is -- what's the next page?</p> <p>9 You just skipped over a page.</p> <p>10 A. It was just the same, the 49.</p> <p>11 Q. 49?</p> <p>12 A. Yeah. With the response back, yes.</p> <p>13 Q. Okay.</p> <p>14 A. I don't know. Is it 382?</p> <p>15 Q. Yes. Just look at all 382, 383, and 384</p> <p>16 together.</p> <p>17 A. Okay. I would say this is a screenshot of the</p> <p>18 "Waiting for Dispo-."</p> <p>19 Q. Okay.</p> <p>20 Where it shows -- if you look on -- what</p> <p>21 number are you on now?</p> <p>22 A. This was 384.</p> <p>23 Q. All right. 384. It looks like, on the</p> <p>24 right-hand side, the agency that you'd sent some faxes</p>
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<p>1 to?</p> <p>2 A. Yes.</p> <p>3 Q. Lexington County --</p> <p>4 A. -- Sheriff's Office.</p> <p>5 Q. -- Sheriff's Office?</p> <p>6 A. Yes.</p> <p>7 Q. Lexington County Solicitor's Office?</p> <p>8 A. Correct.</p> <p>9 Q. And the West Columbia Police Department?</p> <p>10 A. Yes.</p> <p>11 Q. The top one is dated 6/29. I don't think that</p> <p>12 was something you did.</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 But the bottom three are dated on 4/13. Is</p> <p>16 that faxes that you sent out?</p> <p>17 A. Yes.</p> <p>18 Q. Okay.</p> <p>19 I didn't see a fax -- an actual fax to the</p> <p>20 Lexington County Solicitor's Office, but I did have this</p> <p>21 screenshot.</p> <p>22 A. I never received anything back from the</p> <p>23 solicitor.</p> <p>24 Q. So all we have is you sent a fax and never</p>	<p>1 received anything back?</p> <p>2 A. Correct.</p> <p>3 Q. But the other two that we have from Lexington</p> <p>4 County Sheriff's Office and the West Columbia Police</p> <p>5 Department you did receive back?</p> <p>6 A. Correct.</p> <p>7 Q. And you also had the screenshot from the</p> <p>8 court? Page 3 -- no. Page 41.</p> <p>9 A. The website.</p> <p>10 Q. Yeah. That's right. That's from the court</p> <p>11 website; is that correct?</p> <p>12 A. Correct.</p> <p>13 Q. Do you know of anything else that you did as</p> <p>14 far as faxes or checking websites during the Roof</p> <p>15 transaction?</p> <p>16 A. Clarify.</p> <p>17 Q. Well, I see that you looked on the website.</p> <p>18 A. Correct.</p> <p>19 Q. And got a screenshot.</p> <p>20 A. Correct.</p> <p>21 Q. That you sent a fax to the Lexington County</p> <p>22 Sheriff's Office.</p> <p>23 A. Correct.</p> <p>24 Q. And you received a response from them.</p>

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1 A. Correct.
 2 Q. And you sent a fax to the West Columbia Police
 3 Department.
 4 A. Correct.
 5 Q. And you received a response from them.
 6 A. Correct.
 7 Q. And you sent a fax to the Lexington County
 8 Solicitor's Office, and you didn't receive a response.
 9 A. Correct.
 10 Q. Is there anything else that you know of that
 11 you did in researching this transaction?
 12 A. No.
 13 Q. Now I want you to look at -- we'll mark those
 14 as Exhibit Number 2, that set of documents that we had,
 15 all those numbers.
 16 * * *
 17 (Whereupon, Conley Deposition Exhibit
 18 No. 2 marked for purposes of identification.)
 19 * * *
 20 BY MR. HAMMER:
 21 Q. And so I'll ask you again, now that we have a
 22 sticker on there, is there anything else that you -- any
 23 other research that you did other than what's in Exhibit
 24 Number 2?

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1 A. I don't -- I don't -- I don't recall anything
 2 else.
 3 Q. Okay. All right. Let's go back to Exhibit
 4 Number 1.
 5 Well, before we go back to Exhibit Number 1, I
 6 want to find out from you, because I've been given
 7 certain documents from the lawyers, and they say these
 8 were the documents that were available to you, and I
 9 want to just make sure that -- that we're correct on
 10 these things. And I'm going to give you a set of
 11 documents to go through with me, so you can look at
 12 these as we go.
 13 Do you see the first page? It has -- it's
 14 called "Objections and Responses to Requests for
 15 Production."
 16 A. (Moves head up and down.)
 17 Q. And I want you to turn to the next page and
 18 look at Request Number 8. And what we're requesting the
 19 Government to produce to us is the contact sheets,
 20 contact list, POC list reviewed or utilized by NICS
 21 examiners in the firearm sale background check of Dylann
 22 Roof, including all versions available to the examiner
 23 from April 11th through April -- through the 20th, 2015,
 24 and including the Lexington County contact sheet.

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1 And you see what their answer was? The answer
 2 says -- you tell me if I'm reading it wrong. The answer
 3 says "Response: The South Carolina processing page, the
 4 South Carolina city/county list, the South Carolina
 5 record example, and contact sheets for Lexington and
 6 Richland Counties as of April 11, 2015, will be produced
 7 separately as soon as practical." Do you see that?
 8 A. (Moves head up and down.)
 9 Q. Is that correct? Did I read that correctly?
 10 A. (Moves head up and down.)
 11 Q. You've got to answer verbally.
 12 A. Yes.
 13 Q. Now let's turn over to the next sheet. And
 14 you'll see this is a letter. If you look at the second
 15 page, you'll see it's from Mr. Terrell to us. Turn back
 16 to the page before. And I want you to look at the
 17 second page -- second paragraph. And it says --
 18 MR. WILSON: It's the May 12th, 2017,
 19 letter?
 20 BY MR. HAMMER:
 21 Q. Yeah, May 12th, 2017. And he says "The South
 22 Carolina processing page, the South Carolina city/county
 23 list, South Carolina record example, and contact sheets
 24 for Lexington and Richland Counties as of April 11,

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1 2015, is produced as FBI-00000312 to FBI-341." Do you
 2 see that?
 3 A. Yes.
 4 Q. Did I read that correctly?
 5 A. Yes.
 6 Q. "This document supplements United States'
 7 response to Request For Production Number 8." Do you
 8 see that?
 9 A. Yes.
 10 Q. Number 8 is the one where you just read.
 11 A. Yes.
 12 Q. Okay.
 13 And I want you to go through, after
 14 Mr. Terrell's letter, turn -- turn to the next page,
 15 keep turning, and you should begin with a document
 16 FBI-312.
 17 A. Yes.
 18 Q. And you should have, according to
 19 Mr. Terrell's letter, to 341. Would you look through
 20 those documents?
 21 A. Do you want me to see if all the pages are
 22 here?
 23 Q. Just see if those are the documents that were
 24 available to you.

18 (Pages 69 to 72)

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<p>1 A. Okay.</p> <p>2 Q. Have you had a chance to look at those</p> <p>3 documents?</p> <p>4 A. Yes.</p> <p>5 Q. And is Mr. Terrell correct that you had</p> <p>6 available to you pages 312 through 341?</p> <p>7 A. Yes.</p> <p>8 MR. HAMMER: Okay. Let's mark that as</p> <p>9 Exhibit Number 3.</p> <p>10 * * *</p> <p>11 (Whereupon, Conley Deposition Exhibit</p> <p>12 No. 3 marked for purposes of identification.)</p> <p>13 * * *</p> <p>14 BY MR. HAMMER:</p> <p>15 Q. I think you said that you were given questions</p> <p>16 and answers in an interview sort of way when they did</p> <p>17 the inspection interview. Do you remember that?</p> <p>18 A. I -- I, actually -- they -- yes, they did ask</p> <p>19 me questions.</p> <p>20 Q. Okay.</p> <p>21 Do you remember you telling them that the NICS</p> <p>22 was unable to obtain the needed information to clarify</p> <p>23 the application of possible prohibitions related to the</p> <p>24 charges?</p>	<p>1 A. I did not receive any information being able</p> <p>2 to deny the transaction.</p> <p>3 Q. So this is correct that NICS was unable to</p> <p>4 obtain needed information to clarify the application of</p> <p>5 the possible prohibitors related to this transaction?</p> <p>6 A. Yes.</p> <p>7 Q. Is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. And what I would like to show you is FBI-30</p> <p>10 and 31 and ATF Numbers 17, 18, and 19. If you'll just</p> <p>11 look at those for me.</p> <p>12 Have you had a chance to look at those</p> <p>13 documents?</p> <p>14 A. Yes.</p> <p>15 Q. And I think the Number 30 is the Columbia</p> <p>16 Police Department incident report; is that correct?</p> <p>17 A. I did not receive this.</p> <p>18 Q. I understand that, but you see what -- I'm</p> <p>19 just asking you is that what it is?</p> <p>20 MR. TERRELL: Objection. Foundation.</p> <p>21 BY MR. HAMMER:</p> <p>22 Q. Look at the top of the page where it says --</p> <p>23 A. It says "Incident Report, City of Columbia</p> <p>24 Police Department."</p>
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<p>1 Q. Okay.</p> <p>2 And that's two pages, 30 and 31?</p> <p>3 A. Correct.</p> <p>4 Q. And this next page, 17, is that a summary of</p> <p>5 what -- of the transactions that you were talking about</p> <p>6 earlier?</p> <p>7 A. That's my comments from the NTN inquiry down</p> <p>8 until the six -- yeah, the six is not me, from June on.</p> <p>9 Q. Okay.</p> <p>10 Do you know Ms. Russell?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 And if you look at the top of page 18, and I</p> <p>14 think that says she received this report from the City</p> <p>15 of Columbia; is that correct?</p> <p>16 A. "Received fax from incident report," yes.</p> <p>17 Q. And do you read what it says on the report?</p> <p>18 A. I -- what she stated?</p> <p>19 Q. "Report states." See what it says?</p> <p>20 A. Yes.</p> <p>21 Q. And at the end of the report, it says "I asked</p> <p>22 Mr. Dylann if he had a prescription for them" -- he's</p> <p>23 talking about the Suboxone -- "and he stated he did</p> <p>24 not." "Suboxone is a Schedule III narcotic." Do you</p>	<p>1 see that on that report, the last couple lines on there?</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 And then where she has "Comments" under 6/29,</p> <p>5 that also was dated 6/29 at 20:07; right? I'm sorry.</p> <p>6 Eight --</p> <p>7 A. Yeah, 8:21.</p> <p>8 Q. 8:21. And then -- then at 6/29 at 8:58 she</p> <p>9 has a comment -- tell me if I'm reading this right --</p> <p>10 "Comments. Decision to deny based upon Federal</p> <p>11 Prohibitor 922(g)(3)." Is that correct?</p> <p>12 A. Correct.</p> <p>13 Q. So she got this police report and was --</p> <p>14 within an hour she just -- there was a decision to deny</p> <p>15 that?</p> <p>16 A. Correct.</p> <p>17 Q. Is that correct?</p> <p>18 A. (Moves head up and down.)</p> <p>19 Q. And you didn't get that report?</p> <p>20 A. No.</p> <p>21 Q. Okay.</p> <p>22 You don't fault Ms. Russell for denying it on</p> <p>23 getting that report, do you?</p> <p>24 A. I can't speak for another examiner.</p>

19 (Pages 73 to 76)

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<p>1 Q. Okay.</p> <p>2 You don't have -- do you disagree that what</p> <p>3 she did was correct after receiving that report?</p> <p>4 A. Like I said, I can't speak for what she did --</p> <p>5 Q. Okay.</p> <p>6 A. -- in the transaction.</p> <p>7 Q. I understand that. If you had gotten that</p> <p>8 same report, would you have done the same thing?</p> <p>9 A. Yes.</p> <p>10 Q. Okay.</p> <p>11 And now let's go back to Exhibit Number 1. I</p> <p>12 think you have that in front of you. And tell me if I'm</p> <p>13 reading this correct. "The examiner" -- that would be</p> <p>14 you; correct?</p> <p>15 A. Correct.</p> <p>16 Q. -- "will contact state POC, the courts,</p> <p>17 district attorneys, probation officers, arresting</p> <p>18 agencies, et cetera, for disposition, level of offense,</p> <p>19 incident report, et cetera, via fax, phone, mail,</p> <p>20 e-mail, and/or" -- "and Netlets" --</p> <p>21 A. Nlets.</p> <p>22 Q. -- "Nlets in accordance with preference</p> <p>23 indicated in the state processing page and contact</p> <p>24 list." Now, I think we went through Exhibit Number 2</p>	<p>1 has the state processing page and Exhibit -- and --</p> <p>2 A. No.</p> <p>3 Q. Was it Exhibit Number 3?</p> <p>4 A. Uh-huh.</p> <p>5 Q. Exhibit Number 3?</p> <p>6 A. Yeah. It has the contact.</p> <p>7 Q. Okay.</p> <p>8 And then at the bottom of that, the last</p> <p>9 sentence in SOP -- is it 5.5.5?</p> <p>10 A. Correct.</p> <p>11 Q. -- states "every effort must be made to obtain</p> <p>12 the necessary information in order to reach a final</p> <p>13 decision on a NICS transaction during the research</p> <p>14 phase."</p> <p>15 A. Correct.</p> <p>16 Q. Is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. Did you contact the state POC?</p> <p>19 A. No.</p> <p>20 Q. Did you contact the court?</p> <p>21 A. The case was pending; therefore, it would not</p> <p>22 have been to court.</p> <p>23 Q. Okay.</p> <p>24 A. So I contacted the solicitor in Lexington</p>
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<p>1 County because that -- on the website is where it was</p> <p>2 being held in Lexington County, so we contacted the</p> <p>3 solicitor for indictment information.</p> <p>4 Q. My question is --</p> <p>5 A. And for prior restrictions.</p> <p>6 Q. My question is did you contact the court?</p> <p>7 A. No.</p> <p>8 Q. And did you contact the arresting agency?</p> <p>9 A. Yes.</p> <p>10 Q. And what were you told by the arresting</p> <p>11 agency?</p> <p>12 A. "No arrest or report for the State. The last</p> <p>13 arrest was on 2/28/15. Columbia PD will have the</p> <p>14 report."</p> <p>15 Q. Okay.</p> <p>16 Did you contact Columbia PD?</p> <p>17 A. No.</p> <p>18 Q. Okay.</p> <p>19 The arresting agency told you to contact</p> <p>20 Columbia PD and you did not do so?</p> <p>21 A. I went to the contact list in Lexington</p> <p>22 County, and I looked for Columbia PD. I had West</p> <p>23 Columbia PD for that county. That is who I contacted.</p> <p>24 Q. Okay.</p>	<p>1 Now, you -- you knew that you had been told it</p> <p>2 was Columbia PD?</p> <p>3 A. It's stated on the fax.</p> <p>4 Q. Okay.</p> <p>5 And I think is it Exhibit 3 that you have a --</p> <p>6 let's just look at this page, if I can get to it. These</p> <p>7 pages were all available to you at the time you did your</p> <p>8 search?</p> <p>9 A. Correct.</p> <p>10 Q. Okay.</p> <p>11 Let's look at page 326. That's 00000326 FBI.</p> <p>12 And if you had looked at that page, would you see</p> <p>13 Columbia on there?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 And would it show what county it's in?</p> <p>17 A. Yes.</p> <p>18 Q. And what county would it show?</p> <p>19 A. Richland.</p> <p>20 Q. And did you have a state contact list for</p> <p>21 Richland County?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 And so you could have looked at this page,</p>

20 (Pages 77 to 80)

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<p>1 found that Columbia was in Richland County, and</p> <p>2 contacted the Columbia police.</p> <p>3 A. But my research led me --</p> <p>4 Q. I'm not --</p> <p>5 A. -- to Lexington County.</p> <p>6 Q. I understand that. I'm not asking what your</p> <p>7 research led you to. You had information that -- from</p> <p>8 Lexington County that Columbia Police Department had the</p> <p>9 report.</p> <p>10 A. Like I said, I was -- looked at Lexington</p> <p>11 County, looked for Columbia, and I went to West Columbia</p> <p>12 PD.</p> <p>13 Q. All I'm asking you is the Lexington County</p> <p>14 Sheriff's Office told you Columbia Police Department</p> <p>15 will have the report.</p> <p>16 A. Yes.</p> <p>17 Q. And Columbia is listed on your cities in South</p> <p>18 Carolina that you had available to you.</p> <p>19 A. The city contact list, yeah.</p> <p>20 Q. And you didn't look on that?</p> <p>21 A. No.</p> <p>22 Q. Okay.</p> <p>23 And had you looked on it, you would have seen</p> <p>24 that Columbia was in Richland County; is that correct?</p>	<p>1 A. It states that, yes.</p> <p>2 Q. Okay.</p> <p>3 And so you would have been able to contact the</p> <p>4 arresting agency had you looked at page 326; is that</p> <p>5 correct?</p> <p>6 A. I would -- if I would have looked at that</p> <p>7 page, yes.</p> <p>8 Q. And is there any reason that you think that</p> <p>9 Columbia would not have sent you the report if you'd</p> <p>10 have asked for it?</p> <p>11 A. I can't determine that.</p> <p>12 Q. Okay.</p> <p>13 They had the report. They sent it as soon as</p> <p>14 they were asked for it?</p> <p>15 A. Like I said, my research, I was looking in the</p> <p>16 Lexington County because that is on the website as where</p> <p>17 the case was pending.</p> <p>18 Q. I understand what you did. I was just seeing</p> <p>19 if there was some alternative with the information that</p> <p>20 you had available that you could have done.</p> <p>21 A. Like I said, I -- I went to the contact list</p> <p>22 where I felt that that is what they were -- were</p> <p>23 asking -- were actually giving me was the West Columbia</p> <p>24 PD. That's why I contacted that agency or I would not</p>
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<p>1 have contacted that agency if I didn't think -- like I</p> <p>2 said, if the website didn't lead me to believe that it</p> <p>3 was being held in Lexington County. I didn't have any</p> <p>4 reason to go to any other county.</p> <p>5 Q. Okay. All right.</p> <p>6 And you did contact the South Carolina point</p> <p>7 of contact, state -- state POC; right?</p> <p>8 A. No, I did not. Like I said, you go by the</p> <p>9 processing page to see if you would need to contact that</p> <p>10 agency. Go by what is -- what agency you need to</p> <p>11 contact.</p> <p>12 Q. All right.</p> <p>13 Well, let's -- let's look at the page that you</p> <p>14 do have, and it -- I think it begins -- the processing</p> <p>15 page begins on FBI-314.</p> <p>16 A. Right.</p> <p>17 Q. And if you go 314, 315, and 316, all</p> <p>18 processing pages?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 And on page 316 it has "State Point of</p> <p>22 Contact: South Carolina Law Enforcement Division"?</p> <p>23 A. Correct.</p> <p>24 Q. An ORI number?</p>	<p>1 A. Correct.</p> <p>2 Q. A listing in Columbia, South Carolina; is that</p> <p>3 correct?</p> <p>4 A. Columbia, South Carolina, yes.</p> <p>5 Q. And that was the city that you were told had</p> <p>6 the police report?</p> <p>7 A. The state POC is actual -- is the actual point</p> <p>8 of contact.</p> <p>9 Q. I understand that. But they're located in</p> <p>10 Columbia, South Carolina, if you look on this; correct?</p> <p>11 A. Yes.</p> <p>12 Q. And that was the same city that you were told</p> <p>13 by Lexington had the police report; is that correct?</p> <p>14 A. They stated Columbia PD.</p> <p>15 Q. And that's Columbia, South Carolina; correct?</p> <p>16 A. Yes.</p> <p>17 Q. And that's exactly where SLED is; right?</p> <p>18 A. Correct.</p> <p>19 Q. And then it says "Contact for clarifications</p> <p>20 on SC records."</p> <p>21 A. Correct.</p> <p>22 Q. And you didn't do that.</p> <p>23 A. I didn't need to do that.</p> <p>24 Q. I'm saying you did not do that.</p>

21 (Pages 81 to 84)

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<p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 And did you understand that SLED had actually</p> <p>4 sent in the incident report for the Columbia Police</p> <p>5 Department to the N-DEx on March the 6th, 2015 --</p> <p>6 A. No.</p> <p>7 Q. -- before April 11th, 2015?</p> <p>8 A. I did not know that.</p> <p>9 Q. If you had contacted them, they could have</p> <p>10 given you that report; is that correct?</p> <p>11 A. Per our processing page, we call for</p> <p>12 clarification. We don't contact just to contact.</p> <p>13 Q. Okay.</p> <p>14 Well, let's look at 5.5.5 again. Okay?</p> <p>15 That's Exhibit 1. And that says you will contact the</p> <p>16 state POC and these other agencies, and it says "for</p> <p>17 disposition, level of offense, incident report."</p> <p>18 A. "...with the preference indicated on the state</p> <p>19 processing page and contact list."</p> <p>20 Q. Okay.</p> <p>21 Where is the preference indicated?</p> <p>22 A. Like I said, South Carolina State's POC,</p> <p>23 "Contact for clarifications on the South Carolina</p> <p>24 record." It does not state to contact for incident</p>	<p>1 reports.</p> <p>2 Q. Okay.</p> <p>3 MR. WILSON: What page number did you</p> <p>4 just read that from?</p> <p>5 THE WITNESS: 316.</p> <p>6 BY MR. HAMMER:</p> <p>7 Q. Okay.</p> <p>8 Let me ask you this: You had told me that you</p> <p>9 were unable to -- that you needed further information to</p> <p>10 clarify the application of possible prohibitors, didn't</p> <p>11 you?</p> <p>12 A. I -- say the question again.</p> <p>13 Q. Didn't you just tell me when you were</p> <p>14 interviewed that you needed further information to</p> <p>15 clarify the application of possible prohibitors on this</p> <p>16 transaction?</p> <p>17 A. You would do your research. You do try to</p> <p>18 find information.</p> <p>19 Q. Okay.</p> <p>20 So you needed to clarify that; correct?</p> <p>21 A. That's -- clarify what?</p> <p>22 Q. To clarify the application of possible</p> <p>23 prohibitors.</p> <p>24 A. No. I know the prohibitor was 1 or 3. It was</p>
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<p>1 federal -- for a felony conviction or for Federal</p> <p>2 Prohibitor 3, the drugs.</p> <p>3 Q. Yes.</p> <p>4 A. So I -- that's what I was researching for. I</p> <p>5 didn't need to clarify that.</p> <p>6 Q. Okay.</p> <p>7 Well, you didn't -- you didn't -- you were</p> <p>8 unable to -- to find out whatever information you needed</p> <p>9 to clarify that; correct?</p> <p>10 A. I went to the agencies that was listed per the</p> <p>11 processing page, what those agencies had. The sheriff's</p> <p>12 office obtain -- per the processing, you obtain your</p> <p>13 incident reports from the sheriff's office, which I did</p> <p>14 contact. The solicitor has indictment information. You</p> <p>15 check for firearm restrictions, drug testing from the</p> <p>16 solicitor, which I contacted. Possible indictments,</p> <p>17 that's why I contacted them. Because I knew the case</p> <p>18 was pending, I knew it has not went to trial per the</p> <p>19 website, so that is why I went to those agencies for</p> <p>20 that information.</p> <p>21 THE WITNESS: Can we have a little break?</p> <p>22 MR. HAMMER: Yeah. Sure. Sure. Be glad</p> <p>23 to take a break.</p> <p>24 * * *</p>	<p>1 (Brief break)</p> <p>2 * * *</p> <p>3 BY MR. HAMMER:</p> <p>4 Q. Before we took a break, we were talking about</p> <p>5 the Columbia incident report and the pages from the ATF</p> <p>6 which was the summary of the transaction on the</p> <p>7 computer, I think.</p> <p>8 A. That was the case history, yes.</p> <p>9 Q. Case history, yes. And those are pages</p> <p>10 003 -- 30, 31, ATF-17, 18 and 19. Can we mark those as</p> <p>11 Exhibit Number 4.</p> <p>12 * * *</p> <p>13 (Whereupon, Conley Deposition Exhibit</p> <p>14 No. 4 marked for purposes of identification.)</p> <p>15 * * *</p> <p>16 BY MR. HAMMER:</p> <p>17 Q. Exhibit Number 4 is what we were talking about</p> <p>18 that Ms. Russell had received the report, and her</p> <p>19 denial -- is that correct -- is shown on that Exhibit</p> <p>20 Number 4?</p> <p>21 A. Repeat the question.</p> <p>22 Q. Page 18. It shows Ms. Russell received the</p> <p>23 Columbia police report and shortly after that issued a</p> <p>24 denial?</p>

22 (Pages 85 to 88)

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<p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 And then the incident report is also attached.</p> <p>4 And the incident report is something that you say you</p> <p>5 never got; right?</p> <p>6 A. I never received.</p> <p>7 Q. Okay.</p> <p>8 And I think you say that you got a screenshot</p> <p>9 from the court. Would you pull the exhibit that has</p> <p>10 that on there?</p> <p>11 A. The website?</p> <p>12 Q. The website, yes.</p> <p>13 A. Yes.</p> <p>14 Q. And if I could just take a look at that for a</p> <p>15 minute.</p> <p>16 A. (Tendered)</p> <p>17 Q. I want to show you -- what's the number of</p> <p>18 that page that you have there?</p> <p>19 A. 41.</p> <p>20 Q. 41. I want to show you 397, this is FBI-397,</p> <p>21 and ask you if that's a similar document. Actually,</p> <p>22 I'll give you 396, -97, and -98. If you'd just look at</p> <p>23 those three for me.</p> <p>24 I'm going to let you look at the ones that are</p>	<p>1 not highlighted just so we'll have clean copies and you</p> <p>2 hand me the other ones back.</p> <p>3 A. They are the same -- dealing with the same</p> <p>4 case, just different screenshots.</p> <p>5 Q. Right. And 397 shows that -- possession of</p> <p>6 controlled substance?</p> <p>7 A. Three -- which one?</p> <p>8 Q. 397.</p> <p>9 A. Yes. It has the charge listed.</p> <p>10 Q. And 396 is actually some things that happened</p> <p>11 in June. It was after the -- the event. I think some</p> <p>12 things at the bottom.</p> <p>13 A. Beginning date, yes, it started --</p> <p>14 Q. So that would be after that?</p> <p>15 A. Uh-huh.</p> <p>16 Q. And then the other one was -- I think these</p> <p>17 are dated 3/16 when they were updated, and they have the</p> <p>18 name of the police officer and the subject, Dylann Roof;</p> <p>19 is that correct?</p> <p>20 A. I'm not sure what the individual, the Brandon</p> <p>21 Fitzgerald, I'm not sure who -- it says "Officer."</p> <p>22 Q. It says "Officer."</p> <p>23 A. Yes.</p> <p>24 Q. And the bottom one says "Defendant."</p>
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<p>1 A. Right.</p> <p>2 Q. So those were all screenshots that you had,</p> <p>3 that you have in your file somewhere, that were given to</p> <p>4 us, so I assume you had them.</p> <p>5 A. Well, I mean, I don't know if I have the</p> <p>6 June 18th.</p> <p>7 Q. Not the -- okay. You didn't have the</p> <p>8 June 18th available to you?</p> <p>9 A. Right.</p> <p>10 Q. But the other two you did --</p> <p>11 A. Yes, but the one with -- that shows the</p> <p>12 actual --</p> <p>13 Q. So 398 --</p> <p>14 A. -- officer and the --</p> <p>15 Q. -- 397 and 398 --</p> <p>16 A. Yes.</p> <p>17 Q. -- you did have available to you?</p> <p>18 A. Yes.</p> <p>19 Q. Okay.</p> <p>20 And if you would just look at the case number</p> <p>21 on page 397 at the top left-hand page. It says "Case</p> <p>22 Number."</p> <p>23 A. Yes.</p> <p>24 Q. I'm going to show you another document, and</p>	<p>1 I'm going to -- just wanted to let you know, this</p> <p>2 document was supplied to us by the Government in --</p> <p>3 attached to a motion that it made in court. So I want</p> <p>4 you to look at that document.</p> <p>5 A. Okay.</p> <p>6 Q. Have you had a chance to review it?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 I'm going to want to do a couple of things.</p> <p>10 On the screenshot for 397 and 398, it has a case number</p> <p>11 which I'm going to read to you, and you tell me if I</p> <p>12 read it correctly. Okay?</p> <p>13 A. Uh-huh.</p> <p>14 Q. It's 2015A4021600503.</p> <p>15 A. Yes.</p> <p>16 Q. Did I read that correctly?</p> <p>17 A. Yes.</p> <p>18 Q. All right.</p> <p>19 This last document that I -- that I gave to you is -- it</p> <p>20 looks like an arrest warrant on the left and on the</p> <p>21 right it says "Affidavit."</p> <p>22 A. Arrest warrant. Yes.</p> <p>23 Q. Okay.</p> <p>24 And that document, the number that I see for</p>

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<p>1 the arrest warrant, is also 2015A4021600503.</p> <p>2 A. Correct.</p> <p>3 Q. And on that document, I have a true copy,</p> <p>4 Lexington County C.C.P., Grand -- General Sessions. Do</p> <p>5 you see where it says at the bottom -- on the right side</p> <p>6 toward the middle of the -- toward the bottom, "True</p> <p>7 Copy"?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 And that would be the General Sessions Court?</p> <p>11 A. I would -- I would say that would be -- like I</p> <p>12 said, I -- this is the first time I've seen this</p> <p>13 document.</p> <p>14 Q. Okay. I understand that. But the numbers</p> <p>15 match up; correct?</p> <p>16 A. Yes.</p> <p>17 Q. And you didn't contact the court to ask them</p> <p>18 for their documents, did you?</p> <p>19 A. I -- like I said, from the website</p> <p>20 information, the case was pending.</p> <p>21 Q. Right.</p> <p>22 A. So, therefore, he was not convicted or charged</p> <p>23 with anything.</p> <p>24 Q. Okay.</p>	<p>1 But you did not contact the court for</p> <p>2 disposition, level of offense, incident report, via fax,</p> <p>3 phone, mail, e-mail, or Nlets, did you?</p> <p>4 A. No. Per processing page, in South Carolina --</p> <p>5 Q. You can give me that explanation, but did</p> <p>6 you -- is that correct that you didn't contact the court</p> <p>7 via those methods?</p> <p>8 A. I did not contact the court per processing</p> <p>9 page because the court has information about</p> <p>10 felony -- if the subject has a felony conviction, it's</p> <p>11 contact for physical force element and as last resort</p> <p>12 for relationship, per General Sessions.</p> <p>13 Q. What page are you reading off of, please?</p> <p>14 A. This is on 314, the South Carolina Processing</p> <p>15 Page.</p> <p>16 Q. Let me just get to that. My thing says</p> <p>17 "Courts and arresting agencies are the primary contact"</p> <p>18 on page 314. Do you see that?</p> <p>19 A. Yes, they are the primary contact.</p> <p>20 Q. Okay.</p> <p>21 A. But it lists what they have, the courts have.</p> <p>22 Felony charges that can receive more than one year. But</p> <p>23 I knew from the website that the case was pending, so I</p> <p>24 knew the court would not have a disposition. So,</p>
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<p>1 therefore, that's why I contacted the solicitor to see</p> <p>2 if he was under indictment, felony indictment.</p> <p>3 Q. Okay.</p> <p>4 But you also knew there was a potential drug</p> <p>5 use case?</p> <p>6 A. Which I contacted the arresting agency for the</p> <p>7 incident report, which states on here "Contact for</p> <p>8 police/incident report, lab reports, disposition unless</p> <p>9 otherwise noted on the contact list."</p> <p>10 Q. And if you had contacted the court, could you</p> <p>11 have gotten this arrest warrant?</p> <p>12 MR. TERRELL: Objection. Calls for</p> <p>13 speculation.</p> <p>14 A. I don't know.</p> <p>15 BY MR. HAMMER:</p> <p>16 Q. Okay.</p> <p>17 Does the arrest warrant show that the Columbia</p> <p>18 Police Department with the AR agency ORI number is right</p> <p>19 on this document?</p> <p>20 A. The -- for the Columbia PD?</p> <p>21 Q. It says "Prosecuting Agency."</p> <p>22 A. Arresting agency. But I would have to look at</p> <p>23 the contact list as to verify that's the correct ORI</p> <p>24 and -- which it's not listed on this copy.</p>	<p>1 Q. Okay.</p> <p>2 A. The ORI is not listed.</p> <p>3 Q. Okay.</p> <p>4 A. But -- so I can't answer that without it not</p> <p>5 being listed on here to verify that, if that is the</p> <p>6 correct ORI.</p> <p>7 Q. If it is the correct ORI, you could have</p> <p>8 contacted them?</p> <p>9 A. I could have looked at the -- yes, I could</p> <p>10 have looked at the ORI and went to the contact list for</p> <p>11 that ORI.</p> <p>12 Q. Okay.</p> <p>13 MR. HAMMER: Stephen, do you have an</p> <p>14 unredacted copy she can look at so she can answer my</p> <p>15 question?</p> <p>16 MR. TERRELL: No, I don't. Not here.</p> <p>17 MR. HAMMER: Okay. Not on your computer</p> <p>18 or anything?</p> <p>19 MR. TERRELL: No.</p> <p>20 BY MR. HAMMER:</p> <p>21 Q. Okay.</p> <p>22 We can check that ourselves and see if it's</p> <p>23 the same number, though; right?</p> <p>24 A. I -- I don't know what information that you</p>

24 (Pages 93 to 96)

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<p>1 guys --</p> <p>2 Q. If they have the information, they can give us</p> <p>3 that information and check and see whether it's the same</p> <p>4 as it is on this arrest warrant?</p> <p>5 A. The contact list?</p> <p>6 Q. Yes.</p> <p>7 A. Yes. The contact list would show that ORI.</p> <p>8 Q. Okay.</p> <p>9 And if you had gotten that and it is the</p> <p>10 correct ORI, you could have been in touch with Columbia</p> <p>11 police a lot easier; right?</p> <p>12 A. I could have contacted them based on that.</p> <p>13 Q. Okay.</p> <p>14 And it says also on the bottom that City of</p> <p>15 Columbia was the -- on there it has several places -- it</p> <p>16 has Columbia as the prosecuting, it has City of Columbia</p> <p>17 at the top over here, it has City of Columbia at the</p> <p>18 bottom, the judge's address in Columbia. Is that</p> <p>19 correct? So there are a lot of references to Columbia</p> <p>20 on this sheet?</p> <p>21 A. Like I said, I can't verify to see if I would</p> <p>22 actually -- if I would have received the same document</p> <p>23 as you.</p> <p>24 Q. Okay.</p>	<p>1 Well, this document has the same number as the</p> <p>2 court document, doesn't it, the screenshot?</p> <p>3 A. On the website?</p> <p>4 Q. Yes.</p> <p>5 A. Yes, it does have the same case number.</p> <p>6 Q. Okay.</p> <p>7 And this document is dated "Sworn to before me</p> <p>8 3/1/2015"? Right down here (indicating).</p> <p>9 A. That's the date it states on there.</p> <p>10 Q. Okay.</p> <p>11 And the date that the court document shows is</p> <p>12 3/16/2015; correct?</p> <p>13 A. The arrest date states 3/2.</p> <p>14 Q. Okay.</p> <p>15 A. The file date is -- that's a 16 or a 15,</p> <p>16 but...</p> <p>17 Q. Okay.</p> <p>18 A. It says 3/15 or 16/2015 is the file date.</p> <p>19 Q. And you were checking in 4/11/2015 --</p> <p>20 4/13/2015?</p> <p>21 A. In April.</p> <p>22 Q. Right.</p> <p>23 A. I don't know the exact date.</p> <p>24 Q. So that would be after the file date of that?</p>
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<p>1 A. Yes.</p> <p>2 Q. Yeah, I want to mark those --</p> <p>3 A. I was wondering.</p> <p>4 Q. Yeah. Let's mark those exhibits, the ones</p> <p>5 we've just been talking about, page number 386, 387</p> <p>6 and -- is that correct?</p> <p>7 A. 396, -97, and -98.</p> <p>8 Q. Okay.</p> <p>9 A. And this is a separate -- do you want this</p> <p>10 separate?</p> <p>11 Q. No. We'll mark that together with that.</p> <p>12 A. Okay.</p> <p>13 Q. And that's called -- it's got some numbers at</p> <p>14 the top on the side of the document. Court date, court</p> <p>15 entry numbers.</p> <p>16 MR. TERRELL: 12-3.</p> <p>17 MR. HAMMER: Huh?</p> <p>18 MR. TERRELL: Docket 12-3.</p> <p>19 THE WITNESS: 12-3?</p> <p>20 MR. HAMMER: Yeah. Docket 12-3. If we</p> <p>21 could just mark those.</p> <p>22 * * *</p> <p>23 (Whereupon, Conley Deposition Exhibit</p> <p>24 No. 5 marked for purposes of identification.)</p>	<p>1 * * *</p> <p>2 BY MR. HAMMER:</p> <p>3 Q. I just want to show you these and see if --</p> <p>4 this is FBI-55 and 56. I've marked some notes on the</p> <p>5 top of the page. Just disregard that.</p> <p>6 A. Okay.</p> <p>7 Q. You said you were asked some questions. Is</p> <p>8 that sort of what you remember being asked?</p> <p>9 A. Was -- are you asking about the inspection?</p> <p>10 Q. Yeah, the inspection.</p> <p>11 A. I don't recall what the actual -- like, all</p> <p>12 the questions and answers to that.</p> <p>13 Q. Does that look familiar, though, the questions</p> <p>14 that they have there?</p> <p>15 A. I never seen any of it.</p> <p>16 Q. Okay.</p> <p>17 You don't know what it is?</p> <p>18 A. No.</p> <p>19 Q. The reason I ask, it says -- one of the</p> <p>20 questions that they say -- says, "When did the FBI come</p> <p>21 to know about this?"</p> <p>22 Said, "This is unclear. However, if asking</p> <p>23 when the FBI learned of the shooting, it was learned on</p> <p>24 6/17 via the news."</p>

25 (Pages 97 to 100)

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<p>1 And then he says, "How often does oversight 2 error -- error rate?"</p> <p>3 And then it says, "The NICS was unable to 4 obtain the needed information to clarify application of 5 possible prohibitions related to the aforementioned 6 charge."</p> <p>7 And I'm just wondering, did they get that 8 information from you that you're unable to -- to get the 9 needed information to clarify?</p> <p>10 A. I did not receive the incident report, so I 11 did not receive that, so that's --</p> <p>12 Q. Would that be --</p> <p>13 A. -- probably what you're asking.</p> <p>14 Q. Okay.</p> <p>15 In other words, it probably came from you the 16 information that you were unable --</p> <p>17 A. I did not receive the information to --</p> <p>18 Q. -- that you were unable to obtain the needed 19 information --</p> <p>20 A. -- to make a final --</p> <p>21 Q. -- to clarify the application for possible 22 prohibitors related to the charge?</p> <p>23 A. Right. I did not make a final status.</p> <p>24 Q. When it came to you, there were two possible</p>	<p>1 prohibitors right there?</p> <p>2 A. Yes.</p> <p>3 Q. And one of them was a felony?</p> <p>4 A. Right.</p> <p>5 Q. And one of them was unlawful use of drugs; 6 correct?</p> <p>7 A. Correct. Correct.</p> <p>8 Q. And for the felony you would need to see the 9 indictment?</p> <p>10 A. He needs to be under felony indictment.</p> <p>11 Q. Right. And for the unlawful use of drugs, 12 that could be determined from the incident report that 13 we read, the Columbia police report?</p> <p>14 A. The incident report, yes, could prohibit him.</p> <p>15 Q. So you wouldn't need to see a conviction or 16 indictment or anything. It would just be something like 17 the incident report?</p> <p>18 A. The incident report could be one aspect, yes.</p> <p>19 Q. Okay.</p> <p>20 And that's what you're talking about, that you 21 were unable to get the needed information to clarify.</p> <p>22 A. I was unable -- I left it in a delayed status 23 because I did not receive any information regarding 24 the -- the incident report, and I did not hear anything</p>
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<p>1 back from the solicitor.</p> <p>2 Q. So you were unable to get the Columbia police 3 report to clarify this?</p> <p>4 A. I did not -- I did not receive the Columbia PD 5 incident report.</p> <p>6 Q. And that was what you were really looking for 7 to clarify this.</p> <p>8 A. That is for the Federal Prohibitor 3, for the 9 drugs.</p> <p>10 Q. And that's what you were looking for to do 11 your clarification --</p> <p>12 A. Part. Part.</p> <p>13 Q. The talk that you heard after the fact about 14 this N-D-E-x, N-DEx, was just at the office; is that 15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. And did you hear that the N-DEx did contain 18 information about Dylann Roof which would prohibit him 19 from receiving or possessing a firearm?</p> <p>20 A. I don't recall the exact verbiage of -- if 21 that was actually told to me or -- I don't remember.</p> <p>22 Q. Okay.</p> <p>23 But do you remember something similar to that, 24 that --</p>	<p>1 A. I just know that the -- what the inspection --</p> <p>2 Q. -- it was in the --</p> <p>3 MR. TERRELL: Let him finish and then you 4 can...</p> <p>5 THE WITNESS: I'm sorry.</p> <p>6 BY MR. HAMMER:</p> <p>7 Q. Do you remember the -- something similar to 8 that, that there was something in the N-DEx, which if 9 they had found it, would have prohibited him from having 10 a gun?</p> <p>11 A. I -- I don't remember. Like I said, I 12 remember them actually wanting NICS to get the N-DEx to 13 help prevent similar situations, but I -- I don't recall 14 or I don't remember if it actually was told to me that 15 they found a report there. I don't remember.</p> <p>16 Q. Who is the person responsible for the contact 17 list for Lexington County? Do you know who that is?</p> <p>18 A. I know the region coordinators actually update 19 the contact list back then.</p> <p>20 Q. Yeah.</p> <p>21 A. So they would be the ones who check to -- to 22 verify phone numbers and fax numbers.</p> <p>23 Q. Were you aware that some cities are in more 24 than one county?</p>

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<p>1 A. No, I was not. And that's -- like I said,</p> <p>2 that's why I contacted Lexington County.</p> <p>3 Q. And did the regional coordinator -- do you</p> <p>4 know who the name of that regional coordinator was?</p> <p>5 A. It was Debbie Russell at that time.</p> <p>6 Q. She was the one who -- who had done the</p> <p>7 Lexington County contact list?</p> <p>8 MR. TERRELL: Objection. Foundation.</p> <p>9 A. You would have to ask her, like, the extent.</p> <p>10 BY MR. HAMMER:</p> <p>11 Q. Okay.</p> <p>12 But as far as you know --</p> <p>13 A. We -- we give the region coordinators -- like,</p> <p>14 if we would contact an agency and they say, "Our phone</p> <p>15 number has changed to," or, "Our fax number is changing</p> <p>16 to," we would give that to the region coordinator.</p> <p>17 Q. Yeah. Is the region coordinator responsible</p> <p>18 for maintaining and updating the contact list for the</p> <p>19 counties?</p> <p>20 A. I don't know to what extent, but, like I said,</p> <p>21 we give them the information, so I -- I don't know what</p> <p>22 they do after that.</p> <p>23 Q. Is the N-DEX, as far as you know, a database</p> <p>24 managed by the FBI?</p>	<p>1 MR. TERRELL: Objection. Foundation.</p> <p>2 A. I don't know.</p> <p>3 BY MR. HAMMER:</p> <p>4 Q. Who would know that?</p> <p>5 MR. TERRELL: Objection. Foundation.</p> <p>6 A. I don't know.</p> <p>7 BY MR. HAMMER:</p> <p>8 Q. Well, who is the person at -- is there a head</p> <p>9 person at CJIS?</p> <p>10 A. Who would actually be in charge of that, I</p> <p>11 don't know.</p> <p>12 Q. Who is the person at CJIS who is the head of</p> <p>13 CJIS?</p> <p>14 A. I don't know.</p> <p>15 Q. Don't know who that is?</p> <p>16 A. No.</p> <p>17 Q. Well, who is your immediate boss?</p> <p>18 A. My supervisor is Brett Antill.</p> <p>19 Q. And who is his -- is he a man?</p> <p>20 A. Yes.</p> <p>21 Q. Who is his supervisor?</p> <p>22 A. His would be Angie Vandergrift.</p> <p>23 Q. And do you know -- can you go up the line?</p> <p>24 A. Then she would go Monica Shonsberg (phonetic).</p>
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<p>1 I'm not sure if I pronounced that correctly.</p> <p>2 Q. Okay.</p> <p>3 A. And then Robin Nutter would be her boss. And</p> <p>4 then I'm not sure who Robin Nutter's boss.</p> <p>5 Q. Would you think one of those bosses would know</p> <p>6 who maintains the C -- the N-DEX?</p> <p>7 A. I don't -- I can't speculate. I don't know.</p> <p>8 Q. Okay.</p> <p>9 Did you know the N-DEX is provided information</p> <p>10 from federal and state agencies?</p> <p>11 A. I --</p> <p>12 MR. TERRELL: Objection. Foundation.</p> <p>13 A. I don't know.</p> <p>14 BY MR. HAMMER:</p> <p>15 Q. Did you know that when you received a call</p> <p>16 from the Federal Firearms Licensee on a request for a</p> <p>17 background check, that you were required to search the</p> <p>18 relevant databases, including NICS Index, NCIC, and III</p> <p>19 for any matching records?</p> <p>20 MR. TERRELL: Objection. Assumes facts</p> <p>21 not in evidence.</p> <p>22 BY MR. HAMMER:</p> <p>23 Q. Did you know that?</p> <p>24 A. Clarify.</p>	<p>1 Q. I'm just asking is that something within your</p> <p>2 knowledge that you were required to, upon receiving a</p> <p>3 call from the Federal Firearms Licensee for a request</p> <p>4 for a background check, that you were required to search</p> <p>5 the relevant databases including --</p> <p>6 A. Are you stating when a call comes in?</p> <p>7 Q. Yes.</p> <p>8 A. Okay. I didn't take the call that came in.</p> <p>9 Q. I understand that. But when the call comes</p> <p>10 in, is it required to search the relevant databases?</p> <p>11 A. The things that actually hit upon that</p> <p>12 subject's descriptors.</p> <p>13 Q. Okay.</p> <p>14 But is it required to search NICS Index?</p> <p>15 A. NICS Index?</p> <p>16 Q. Yes.</p> <p>17 A. If it's highlighted, yes.</p> <p>18 Q. If it's not highlighted?</p> <p>19 A. Then it's not a hit.</p> <p>20 Q. So you don't have to search it if it's not</p> <p>21 highlighted?</p> <p>22 A. Correct.</p> <p>23 Q. And you don't have to search NCIC if it's not</p> <p>24 highlighted?</p>

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<p>1 A. If it's not a hit, no.</p> <p>2 Q. Okay.</p> <p>3 And III, you don't have to search that?</p> <p>4 A. If it's highlighted, yes.</p> <p>5 Q. I'm not talking about if it's highlighted.</p> <p>6 I'm talking about --</p> <p>7 A. If nothing was hit in the databases, then he</p> <p>8 would be proceeded by the call center.</p> <p>9 Q. All right.</p> <p>10 But let me ask you something. Do you have to</p> <p>11 search those indexes, those databases, for matching</p> <p>12 records?</p> <p>13 A. Yes.</p> <p>14 Q. Okay.</p> <p>15 And when you search those for matching</p> <p>16 records, that's when you get a hit or not; right?</p> <p>17 A. When the -- the call comes in with the -- with</p> <p>18 the subject's descriptors, it will search the databases</p> <p>19 to see if there's any possible hits on any of those</p> <p>20 databases.</p> <p>21 Q. Now, tell me that. Does it search it</p> <p>22 automatically, or does the examiner have to search each</p> <p>23 one of those?</p> <p>24 A. Like I said, it comes into the system -- into</p>	<p>1 our system. What it hits upon is highlighted at the</p> <p>2 bottom of our screen, which is -- it has NCIC, it has</p> <p>3 III, it has NICS Index.</p> <p>4 Q. Okay.</p> <p>5 And do you search each of those for matching</p> <p>6 records?</p> <p>7 A. If they are highlighted. They will be</p> <p>8 highlighted if they would hit upon any of those</p> <p>9 databases.</p> <p>10 Q. Do you know anything about these documents I'm</p> <p>11 handing to you? Just take a look at them. Page 3, I</p> <p>12 think it's from N-DEx.</p> <p>13 A. I've never seen this.</p> <p>14 Q. Okay.</p> <p>15 Have you ever seen documents like that or</p> <p>16 anything?</p> <p>17 A. I mean, incident reports come in all different</p> <p>18 different styles.</p> <p>19 Q. Okay.</p> <p>20 A. So -- but as far as, like, something like</p> <p>21 this, I have not received anything like this.</p> <p>22 Q. Okay. Just hand that back to me, then.</p> <p>23 MR. HAMMER: Where is the ATF pages?</p> <p>24 * * *</p>
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<p>1 (Whereupon, a discussion was held off the</p> <p>2 record.)</p> <p>3 * * *</p> <p>4 BY MR. HAMMER:</p> <p>5 Q. I want to just let you look at a couple of</p> <p>6 pages. I think you said you wanted to see what actually</p> <p>7 came in, and I'm just wondering, can you look at these</p> <p>8 two pages which are -- it's ATF-4 and 5, and see if</p> <p>9 you've seen something like that before.</p> <p>10 A. We don't -- I have never seen a document from</p> <p>11 ATF.</p> <p>12 Q. Okay.</p> <p>13 But does that come from ATF or from</p> <p>14 Interstate --</p> <p>15 A. I -- I don't know where you received this,</p> <p>16 so...</p> <p>17 Q. Okay.</p> <p>18 I received it from -- so you hadn't seen</p> <p>19 those. Let me see if I can find some others that maybe</p> <p>20 you had received.</p> <p>21 These are documents from the FBI. Maybe you</p> <p>22 saw these. They look similar to me, but maybe I'm</p> <p>23 wrong.</p> <p>24 A. Yes.</p>	<p>1 Q. Are you familiar with those documents?</p> <p>2 A. It looks like a state record.</p> <p>3 Q. Okay.</p> <p>4 And is it the Interstate record that you</p> <p>5 received on Dylann Roof showing I think you said it was</p> <p>6 Lexington County?</p> <p>7 A. Yes.</p> <p>8 Q. Okay.</p> <p>9 And if you look at page 105, I think it says</p> <p>10 "This Interstate Identification Index response is the</p> <p>11 result of your record request for FBI," whatever it is,</p> <p>12 "the following will respond to your agency." Is that</p> <p>13 correct?</p> <p>14 A. The III response data?</p> <p>15 Q. See up here? It says --</p> <p>16 A. Oh, okay. Yes. Uh-huh.</p> <p>17 Q. -- "This Interstate Identification</p> <p>18 response" --</p> <p>19 A. Uh-huh.</p> <p>20 Q. So, apparently, there was a request made to</p> <p>21 the Interstate, III; right?</p> <p>22 A. Because when he was trying to purchase, his</p> <p>23 name, apparently, hit on the III.</p> <p>24 Q. So the FBI, the NICS Section, checks with the</p>

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<p>1 Interstate agency, and they get back this report --</p> <p>2 A. Yes.</p> <p>3 Q. -- which is this page and the next page; is</p> <p>4 that correct?</p> <p>5 A. Uh-huh. Yes.</p> <p>6 Q. So that's page 105 --</p> <p>7 A. -5 and -6.</p> <p>8 Q. -- and 106.</p> <p>9 A. Correct.</p> <p>10 Q. And that's the information that you had when</p> <p>11 you were -- when it came to you?</p> <p>12 A. Correct.</p> <p>13 Q. Okay.</p> <p>14 Now let's look at page 105. And it says "This</p> <p>15 information" -- "the information in this rap sheet" --</p> <p>16 is that what this is? A rap sheet?</p> <p>17 A. Yes.</p> <p>18 Q. -- "is subject to the following caveats:</p> <p>19 Requested for criminal justice purposes, authorized</p> <p>20 criminal justice agents only." Is that right? Did I</p> <p>21 read that correct?</p> <p>22 A. For our purposes only. We are not to divulge</p> <p>23 information to --</p> <p>24 Q. But it's "authorized criminal justice agency</p>	<p>1 use only." So is NICS a criminal justice agency?</p> <p>2 MR. TERRELL: Objection. Foundation.</p> <p>3 BY MR. HAMMER:</p> <p>4 Q. Does it appear to you --</p> <p>5 A. I don't want to assume.</p> <p>6 Q. Yeah. But if that's what it says --</p> <p>7 A. It says that.</p> <p>8 Q. It says that -- in other words, NICS couldn't</p> <p>9 get this unless it were a criminal justice agency, could</p> <p>10 they?</p> <p>11 MR. TERRELL: Objection. Foundation.</p> <p>12 BY MR. HAMMER:</p> <p>13 Q. Is that what this is?</p> <p>14 A. I don't want to -- like I said, I don't want</p> <p>15 to assume. I'm not a --</p> <p>16 Q. Well, it says --</p> <p>17 A. -- legal expert.</p> <p>18 Q. I understand that, but you agree that it does</p> <p>19 say -- does appear to say that "The information in this</p> <p>20 rap sheet is subject to the following caveats"; is that</p> <p>21 correct?</p> <p>22 A. Yes. Yes, it says that.</p> <p>23 Q. And the caveat is "requested for criminal</p> <p>24 justice purposes, authorized criminal justice agency use</p>
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<p>1 only."</p> <p>2 A. Yes.</p> <p>3 Q. That was one of the caveats; correct?</p> <p>4 A. It does state that, yes.</p> <p>5 Q. And that NICS did get this document?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 And then the next page shows that it's the</p> <p>9 report that you had that showed it was a felony and a</p> <p>10 drug charge --</p> <p>11 A. Yes.</p> <p>12 Q. -- correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay.</p> <p>15 We'll mark those two pages as the next exhibit</p> <p>16 number.</p> <p>17 * * *</p> <p>18 (Whereupon, a discussion was held off the</p> <p>19 record.)</p> <p>20 * * *</p> <p>21 (Whereupon, Conley Deposition Exhibit</p> <p>22 No. 6 marked for purposes of identification.)</p> <p>23 * * *</p> <p>24 BY MR. HAMMER:</p>	<p>1 Q. I want to show you page -- these two pages</p> <p>2 which are 268. Is that what I showed you?</p> <p>3 A. Yes. It's 268, 269.</p> <p>4 Q. And that has an SOP number, 5.5.4; is that</p> <p>5 correct?</p> <p>6 A. That's correct.</p> <p>7 MR. HAMMER: Let's mark those two pages</p> <p>8 as the next numbered exhibit, please.</p> <p>9 * * *</p> <p>10 (Whereupon, Conley Deposition Exhibit</p> <p>11 No. 7 marked for purposes of identification.)</p> <p>12 * * *</p> <p>13 BY MR. HAMMER:</p> <p>14 Q. Would you read the first paragraph of that?</p> <p>15 A. Before A, the "All internal automated</p> <p>16 systems"?</p> <p>17 Q. Right. "NTN inquiry (by name, FBI, social</p> <p>18 security number) NGI, NCIC, DDF, ATF, and websites must</p> <p>19 be checked. The NICS Library (state information page,</p> <p>20 terminology page) Westlaw, when applicable" --</p> <p>21 THE COURT REPORTER: Could you slow down,</p> <p>22 please.</p> <p>23 THE WITNESS: Sorry.</p> <p>24 A. -- "must be researched by the examiner. The</p>

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<p>1 LAT" -- L-A-T -- "may then be contacted prior to calling</p> <p>2 or faxing any external agency to determine the</p> <p>3 level/disposition of the arrest charge."</p> <p>4 Q. Okay.</p> <p>5 Did you check the NGI database?</p> <p>6 A. Yes. That's, like, when you put the FBI</p> <p>7 number in to check to see if there's any records that</p> <p>8 come up.</p> <p>9 Q. Okay.</p> <p>10 Did you check the NCIC database?</p> <p>11 A. No. The state record had responded.</p> <p>12 Q. Okay.</p> <p>13 Did you check the DDF database?</p> <p>14 A. If it was highlighted, yes.</p> <p>15 Q. And if it wasn't?</p> <p>16 A. Then I would not -- there would be nothing in</p> <p>17 there.</p> <p>18 Q. Did you know whether you checked it in this</p> <p>19 case?</p> <p>20 A. I don't recall.</p> <p>21 Q. Okay.</p> <p>22 Did you check the ATFRDD?</p> <p>23 A. If it was not highlighted, I did not check it.</p> <p>24 Q. Okay.</p>	<p>1 And how do we find out whether you did or did</p> <p>2 not check it? Do we know?</p> <p>3 A. It might be -- do you remember where the case</p> <p>4 history was? What was it? Number 3?</p> <p>5 Q. No. I think it was that --</p> <p>6 MR. WILSON: Is that it right there?</p> <p>7 A. This wasn't it. Maybe...</p> <p>8 BY MR. HAMMER:</p> <p>9 Q. It was --</p> <p>10 MS. BUMGARDNER: They haven't given you</p> <p>11 an entire case history yet.</p> <p>12 THE WITNESS: They gave me one.</p> <p>13 BY MR. HAMMER:</p> <p>14 Q. I think it was in that incident report and</p> <p>15 case history. That one.</p> <p>16 A. Because it had Debbie's as well as mine.</p> <p>17 Okay. NGI: I put DOA was on file. NCIC: DOA on file;</p> <p>18 no additional. DDF: No files. So ATF, apparently, was</p> <p>19 not highlighted or I would have -- I would have</p> <p>20 referenced it.</p> <p>21 Q. Okay.</p> <p>22 MR. WILSON: Page?</p> <p>23 BY MR. HAMMER:</p> <p>24 Q. Tell me which one -- what's the document</p>
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<p>1 you're reading from?</p> <p>2 A. This was the Number 4 exhibit.</p> <p>3 Q. And the page number from Number 4?</p> <p>4 A. 17.</p> <p>5 Q. ATF-17?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 And tell me which ones you did not check.</p> <p>9 A. The ATF was not relevant because it -- like I</p> <p>10 said, it was not highlighted.</p> <p>11 Q. That's ATFRDD. You did not check that?</p> <p>12 A. No.</p> <p>13 Q. And did you check the NGI?</p> <p>14 A. Yes.</p> <p>15 Q. And did you check NCIC?</p> <p>16 A. I put "DOA on file" because the state record</p> <p>17 did respond, so that was -- it's automatic that, you</p> <p>18 know, there would be nothing additional on NCIC. I put</p> <p>19 "no additional."</p> <p>20 Q. But did you check it?</p> <p>21 A. No. Technically, I would not have to.</p> <p>22 Q. Okay.</p> <p>23 And you did not?</p> <p>24 A. No.</p>	<p>1 Q. Okay.</p> <p>2 And which websites were you required to check?</p> <p>3 A. The South Carolina website.</p> <p>4 Q. And did you check that?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 How about the NICS Library?</p> <p>8 A. That's the processing state information page,</p> <p>9 terminology pages. I would have definitely looked at my</p> <p>10 information pages to see if there was anything that I</p> <p>11 needed to -- to -- what I needed to look for or where to</p> <p>12 go.</p> <p>13 Q. And give me the page number in the exhibit. I</p> <p>14 think it's the big exhibit in front of you right there</p> <p>15 that -- the pages you say you checked.</p> <p>16 A. The state processing pages, 314, 315, 316, 317</p> <p>17 is the total processing pages.</p> <p>18 Q. Okay.</p> <p>19 And that's what you call the NICS Library?</p> <p>20 A. That is part of -- it would be part of the</p> <p>21 processing.</p> <p>22 Q. Is that the full NICS Library?</p> <p>23 A. No.</p> <p>24 Q. What else is in the NICS Library?</p>

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<p>1 A. The terminology pages.</p> <p>2 Q. Did you --</p> <p>3 A. That's just definition terms of what South</p> <p>4 Carolina would use for certain things.</p> <p>5 Q. Did you check that?</p> <p>6 A. I didn't need to.</p> <p>7 Q. But did you?</p> <p>8 A. No.</p> <p>9 Q. Okay.</p> <p>10 And then down on further, on page 268, did you</p> <p>11 notify your supervisor?</p> <p>12 A. For what?</p> <p>13 Q. For anything.</p> <p>14 A. No.</p> <p>15 Q. Okay.</p> <p>16 It says "If a current" -- "if a current</p> <p>17 transaction exists (delay/open that is actively being</p> <p>18 processed), notify your Supervisor/Team Leader and have</p> <p>19 the transaction placed into the correct examiner's</p> <p>20 ownership."</p> <p>21 A. "If a current transaction exists." There was</p> <p>22 no current -- there was no other transactions besides</p> <p>23 the one that I was working.</p> <p>24 Q. Okay.</p>	<p>1 So you didn't contact a supervisor.</p> <p>2 A. No.</p> <p>3 Q. This is one that you had gotten from the</p> <p>4 one -- from Ms. Jones before you; right?</p> <p>5 A. She delayed the transaction.</p> <p>6 Q. Right.</p> <p>7 A. So I pulled it from the -- from the delay</p> <p>8 queue.</p> <p>9 Q. Okay.</p> <p>10 But -- but it was delayed when it came to you?</p> <p>11 A. Yes.</p> <p>12 Q. And did you -- and you didn't need to contact</p> <p>13 your supervisor --</p> <p>14 A. No.</p> <p>15 Q. -- to see if the right examiner was doing it?</p> <p>16 A. I was the right examiner.</p> <p>17 Q. Okay.</p> <p>18 And who had contacted the supervisor to make</p> <p>19 sure you were the right examiner?</p> <p>20 MR. TERRELL: Objection. Foundation.</p> <p>21 A. That's not part of the process.</p> <p>22 BY MR. HAMMER:</p> <p>23 Q. Okay.</p> <p>24 So when do you -- when are you required to</p>
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<p>1 contact your --</p> <p>2 A. That is --</p> <p>3 Q. -- supervisor or team leader?</p> <p>4 A. Oh, I'm sorry. That is when additional</p> <p>5 transactions you find that someone may have -- already</p> <p>6 have ownership of, like for that subject. So if Roof</p> <p>7 had another transaction out there and another examiner</p> <p>8 was working on it, then I would notify them, the</p> <p>9 supervisor, and let them know that they have a multiple</p> <p>10 NTN. That's when you would contact someone else,</p> <p>11 contact the supervisor.</p> <p>12 Q. And if that happened within 30 days of that</p> <p>13 date, if there was another transaction that came in</p> <p>14 within 30 days, that -- you would be required to contact</p> <p>15 your supervisor?</p> <p>16 A. You -- no. The supervisor would actually --</p> <p>17 you contact the supervisor to make sure the examiner</p> <p>18 gets ownership of it, the one who is handling the case.</p> <p>19 That's what that is.</p> <p>20 Q. Even after the time that the three-day time</p> <p>21 period ends, there's another 30-day period that you'll</p> <p>22 be looking for new transactions?</p> <p>23 A. Right. If another call would come in, like,</p> <p>24 you would try to purchase another firearm --</p>	<p>1 Q. Okay.</p> <p>2 A. -- then that examiner that took the call would</p> <p>3 see that I have ownership of the first one.</p> <p>4 Q. All right.</p> <p>5 A. And then --</p> <p>6 Q. How about if another -- another arrest came</p> <p>7 in? Would you be aware of that?</p> <p>8 A. The -- I would only be aware if I would go</p> <p>9 back into the transaction. So if a new transaction</p> <p>10 popped up, then, yes, I would see additional charges.</p> <p>11 Q. Okay.</p> <p>12 But if there was no new transaction that</p> <p>13 popped up, you don't look at it again after the</p> <p>14 three-day period is over with?</p> <p>15 A. When I receive information, I do go back into</p> <p>16 the transaction.</p> <p>17 Q. Okay.</p> <p>18 But you don't automatically check this</p> <p>19 periodically during the 30-day period?</p> <p>20 A. No.</p> <p>21 Q. Okay. All right.</p> <p>22 Now, you see at the bottom of the page it says</p> <p>23 "...is the absolute responsibility of the examiner</p> <p>24 handling the transaction" -- "handling the most current</p>

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<p>1 NTN to ensure all procedures are followed."</p> <p>2 A. What page are you on?</p> <p>3 Q. Pardon me?</p> <p>4 A. Where are you?</p> <p>5 Q. I'm on page -- at the bottom of 268.</p> <p>6 A. You said the bottom?</p> <p>7 Q. Second to the last line, it says "...it is the</p> <p>8 absolute responsibility..."</p> <p>9 A. "...absolute responsibility of the examiner</p> <p>10 handling the most current NTN to ensure all procedures</p> <p>11 are followed."</p> <p>12 Q. Okay. And it goes on to the next page.</p> <p>13 A. "If the previous examiner neglected to follow</p> <p>14 an SOP, this does not negate any responsibility to</p> <p>15 adhere to all NICS SOPs on subsequent NTNs."</p> <p>16 Q. So that means that if the person before you</p> <p>17 hadn't done what they're supposed to do, you've got to</p> <p>18 do it?</p> <p>19 A. Yes.</p> <p>20 Q. Okay.</p> <p>21 And did the person before you contact the</p> <p>22 court?</p> <p>23 A. That was not their -- their responsibility.</p> <p>24 Q. Okay.</p>	<p>1 Well, there's an SOP that applies to NICS</p> <p>2 people to require them to contact the court.</p> <p>3 A. No. They just took the phone call. They just</p> <p>4 actually initiated the delay.</p> <p>5 Q. Okay.</p> <p>6 A. So that's different.</p> <p>7 Q. Okay.</p> <p>8 So they're not required to follow the SOP?</p> <p>9 A. It's -- it's -- it's different. It's -- it's</p> <p>10 not research. They're not doing research. When they</p> <p>11 actually take phone calls --</p> <p>12 Q. Okay.</p> <p>13 A. -- they're not doing research.</p> <p>14 Q. Okay.</p> <p>15 A. They actually take the phone call, look at the</p> <p>16 transaction, look at the information, make sure it's a</p> <p>17 match. And if there's a prohibitor, they delay the</p> <p>18 transaction. That is -- when you're on the phones, that</p> <p>19 is your responsibility.</p> <p>20 Q. Okay.</p> <p>21 And that's on the bottom of page 2-what?</p> <p>22 A. For the -- what I just read, from the bottom</p> <p>23 to the top?</p> <p>24 Q. Yeah. What page is the bottom of?</p>
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<p>1 A. It was 268, 269.</p> <p>2 Q. 268 and 269.</p> <p>3 A. Uh-huh.</p> <p>4 Q. And then -- so the first examiner is not</p> <p>5 required to call the court or the --</p> <p>6 A. No.</p> <p>7 Q. -- state POC, but when you get it, this other</p> <p>8 SOP that we talked about, Exhibit Number 1, comes into</p> <p>9 play?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So you're required to do that.</p> <p>12 Now, just so the record will be clear, you did</p> <p>13 not contact the state POC?</p> <p>14 A. No.</p> <p>15 Q. Okay.</p> <p>16 And you did not contact the court?</p> <p>17 A. No.</p> <p>18 Q. And you did not contact the arresting agency?</p> <p>19 A. Yes.</p> <p>20 Q. You did?</p> <p>21 A. Yes.</p> <p>22 Q. All right.</p> <p>23 Who was the arresting agency?</p> <p>24 A. Lexington Sheriff's Office.</p>	<p>1 Q. And who did they tell you had the report?</p> <p>2 A. Columbia PD.</p> <p>3 Q. Okay.</p> <p>4 And who does the court document show as the</p> <p>5 arresting agency -- the arrest warrant show as arresting</p> <p>6 agency?</p> <p>7 A. Lexington Sheriff's Office.</p> <p>8 Q. Look at --</p> <p>9 A. Oh, this document.</p> <p>10 Q. Yes.</p> <p>11 A. I thought you meant the actual --</p> <p>12 Q. The arrest warrant.</p> <p>13 A. -- the state record.</p> <p>14 Q. Yeah, the arrest warrant.</p> <p>15 A. The state -- the -- the arrest warrant shows</p> <p>16 Columbia Police Department.</p> <p>17 Q. As the arresting agency.</p> <p>18 A. Which I did not receive.</p> <p>19 Q. Okay.</p> <p>20 But the court had that and you could have</p> <p>21 gotten that if you contacted the court. You agree with</p> <p>22 that?</p> <p>23 MR. TERRELL: Objection. Calls for</p> <p>24 speculation.</p>

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<p>1 MR. HAMMER: You can't -- you can't give</p> <p>2 her the answer. You've got to object. There's not</p> <p>3 "Objection. Calls for..."</p> <p>4 MR. TERRELL: I can state the basis for</p> <p>5 my objection.</p> <p>6 MR. HOWE: Not in South Carolina.</p> <p>7 MR. TERRELL: Yes, I can.</p> <p>8 MR. WILSON: Only object to form.</p> <p>9 MR. HAMMER: That's a speaking objection.</p> <p>10 MR. TERRELL: There's nothing speaking --</p> <p>11 MR. HAMMER: You're telling the</p> <p>12 witness --</p> <p>13 MR. TERRELL: Objection. Foundation.</p> <p>14 Calls for speculation.</p> <p>15 MR. HAMMER: But --</p> <p>16 MR. HOWE: Object to the form. That's</p> <p>17 all you can do.</p> <p>18 MR. WILSON: That's all you can do.</p> <p>19 MR. TERRELL: That is the form.</p> <p>20 MR. HAMMER: That isn't the form. That's</p> <p>21 a speaking objection.</p> <p>22 MR. WILSON: No. The form of the</p> <p>23 question.</p> <p>24 MR. TERRELL: Well, there's nothing</p>	<p>1 speaking about it.</p> <p>2 MR. HAMMER: Well, the judge will decide</p> <p>3 that.</p> <p>4 MR. TERRELL: Yeah, the judge will decide</p> <p>5 that.</p> <p>6 BY MR. HAMMER:</p> <p>7 Q. All right.</p> <p>8 Tell me why you couldn't have contacted the</p> <p>9 court.</p> <p>10 A. Based on the information that I had found from</p> <p>11 the website, the case was pending. Therefore, the court</p> <p>12 does not -- we get the information for the felony</p> <p>13 indictment from the solicitor to see if they're under</p> <p>14 felony indictment. So that's why I contacted the</p> <p>15 solicitor's office, because I knew from the website that</p> <p>16 there was no conviction, the case was still pending, it</p> <p>17 was still in the air, there was no decision made.</p> <p>18 Q. Okay.</p> <p>19 Let me ask you something. Why were you</p> <p>20 prohibited from contacting the court?</p> <p>21 A. Let me look at the contact list. It doesn't</p> <p>22 state that. It says "Call or fax for criminal records."</p> <p>23 Q. Well, this is a criminal record, isn't it?</p> <p>24 A. Yes.</p>
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<p>1 Q. The arrest warrant is a criminal record.</p> <p>2 A. Yes.</p> <p>3 Q. So you could have contacted the court.</p> <p>4 A. Technically, I would have contacted Lexington</p> <p>5 County General Sessions.</p> <p>6 Q. I'm not asking what you did. I'm saying you</p> <p>7 could have contacted Lexington County General Sessions</p> <p>8 Court to get that record, couldn't you have?</p> <p>9 A. Well, apparently not because it's in Columbia</p> <p>10 PD, if that's a Richland County document.</p> <p>11 Q. Well, let's look and see if it's a Richland</p> <p>12 County document. What does that say right over there?</p> <p>13 A. It says "Lexington County General Sessions."</p> <p>14 Q. Right. So if you'd have contacted Lexington</p> <p>15 County General Sessions, you could have gotten that</p> <p>16 document?</p> <p>17 A. I can't --</p> <p>18 MR. TERRELL: Objection. Foundation.</p> <p>19 A. -- I can't speculate that they would have gave</p> <p>20 me that actual document.</p> <p>21 BY MR. HAMMER:</p> <p>22 Q. Well, if you'd have asked for the court</p> <p>23 records, that was a court record, wasn't it?</p> <p>24 MR. TERRELL: Objection. Foundation.</p>	<p>1 A. When we contact a court, that -- necessarily,</p> <p>2 we don't always get the same information that you may be</p> <p>3 given. So I can't -- I can't say for certain that I</p> <p>4 would actually receive that actual document that you</p> <p>5 have in hand.</p> <p>6 BY MR. HAMMER:</p> <p>7 Q. Okay.</p> <p>8 Let's just say -- can you say for certain that</p> <p>9 it has the exact same number as the court file number?</p> <p>10 A. Yes. But, like I said, I -- there's no</p> <p>11 guarantee that the court would actually have sent me the</p> <p>12 actual arrest warrant documentation.</p> <p>13 Q. Okay.</p> <p>14 A. When we fax out for the court information,</p> <p>15 sometimes they only give NICS certain information.</p> <p>16 Q. But you didn't ask at all. You didn't even</p> <p>17 contact them to try and get it, did you?</p> <p>18 A. Like I said, I went to the solicitor's office</p> <p>19 because of the website saying the charge was pending.</p> <p>20 That's why I contacted the solicitor.</p> <p>21 Q. Okay.</p> <p>22 And do you know that this is a matter of</p> <p>23 public record, this document right here?</p> <p>24 A. No.</p>

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<p>1 Q. Exhibit Number 5, the arrest warrant?</p> <p>2 A. No.</p> <p>3 Q. And you actually had the case number for the</p> <p>4 court; right?</p> <p>5 A. Yes.</p> <p>6 Q. And if you had asked for the case file on</p> <p>7 that, you could have obtained the arrest warrant,</p> <p>8 couldn't you?</p> <p>9 MR. TERRELL: Objection. Foundation.</p> <p>10 A. I don't know.</p> <p>11 BY MR. HAMMER:</p> <p>12 Q. Okay.</p> <p>13 And if you had obtained the arrest warrant, it</p> <p>14 would have directed you to Columbia police with an ORI</p> <p>15 number; correct?</p> <p>16 A. If I obtained that information.</p> <p>17 Q. If you obtained the arrest warrant, had the</p> <p>18 Columbia police as the arresting agency with their ORI</p> <p>19 number?</p> <p>20 A. If I would have obtained that document.</p> <p>21 Q. Okay.</p> <p>22 And then you also did not contact the state</p> <p>23 point of contact, SLED; correct?</p> <p>24 A. No.</p>	<p>1 Q. Okay.</p> <p>2 And were you aware that on March 6, 2015, SLED</p> <p>3 entered a record categorized as an incident report on</p> <p>4 behalf of the Columbia Police Department to N-DEx?</p> <p>5 A. No.</p> <p>6 Q. Would you agree that if they entered that on</p> <p>7 March 6th, the record characterized as the Columbia</p> <p>8 police report, that they could have given you the</p> <p>9 Columbia police report if you had contacted them?</p> <p>10 MR. TERRELL: Objection. Foundation.</p> <p>11 A. The process -- South Carolina Processing Page</p> <p>12 for the South Carolina POC states "contact for</p> <p>13 clarification."</p> <p>14 BY MR. HAMMER:</p> <p>15 Q. Okay.</p> <p>16 And you needed some clarification, didn't you?</p> <p>17 A. No.</p> <p>18 MR. TERRELL: Objection.</p> <p>19 BY MR. HAMMER:</p> <p>20 Q. You didn't have the record, did you?</p> <p>21 A. I had the state record from Lexington County</p> <p>22 Sheriff's Office.</p> <p>23 Q. But you didn't have the Columbia Police</p> <p>24 Department record that Lexington County</p>
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<p>1 Police -- Lexington County Sheriff's Office told you</p> <p>2 would have the report, did you?</p> <p>3 A. Like I said, I went through our contact list.</p> <p>4 I went to West Columbia PD because it was in Lexington</p> <p>5 County. That is why I contacted the West Columbia PD.</p> <p>6 Q. Look on your processing sheet. That's 314 or</p> <p>7 316, I think.</p> <p>8 A. The processing pages?</p> <p>9 Q. Right. 314 to 316.</p> <p>10 A. Okay.</p> <p>11 Q. Okay.</p> <p>12 First I want to make sure, on Exhibit</p> <p>13 Number 1, it says "The examiner will contact the state</p> <p>14 POC." Is that what it says? The first --</p> <p>15 A. "The examiner will contact the state POC, the</p> <p>16 courts, district attorneys, probation offices" --</p> <p>17 MR. TERRELL: Slow down.</p> <p>18 A. -- "arresting agencies, et cetera, for</p> <p>19 disposition, level of offense, incident reports,</p> <p>20 et cetera, via fax, phone, mail, e-mail, or Nlets in</p> <p>21 accordance with the preference indicated on the state</p> <p>22 processing page and contact list."</p> <p>23 BY MR. HAMMER:</p> <p>24 Q. All right.</p>	<p>1 Now, show me where on the state processing</p> <p>2 page it says not to contact the state POC.</p> <p>3 A. "State POC: Contact for clarifications on the</p> <p>4 South Carolina record; only has information that is on</p> <p>5 the South Carolina record."</p> <p>6 Q. Okay.</p> <p>7 Well, that was on the South Carolina record.</p> <p>8 A. Lexington County Sheriff was on the South</p> <p>9 Carolina record.</p> <p>10 Q. But the SLED had the -- had the Columbia</p> <p>11 police incident report. That's part of the South</p> <p>12 Carolina record, too, isn't it? Is that not part of the</p> <p>13 South Carolina record, the Columbia police incident --</p> <p>14 A. But there was no need.</p> <p>15 Q. I'm just asking you, is the South Carolina --</p> <p>16 is the Columbia Police Department -- Columbia, South</p> <p>17 Carolina, Police Department report -- incident report</p> <p>18 part of the South Carolina record?</p> <p>19 MR. TERRELL: Objection. Vague.</p> <p>20 A. At the time I thought the Lexington County</p> <p>21 Sheriff's Office was the arresting agency.</p> <p>22 BY MR. HAMMER:</p> <p>23 Q. But that isn't what I asked you. I asked, Is</p> <p>24 the Columbia police report, incident report, a part --</p>

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<p>1 Columbia, South Carolina -- is the Columbia police --</p> <p>2 Columbia, South Carolina, police report a part of the</p> <p>3 South Carolina record?</p> <p>4 A. At the time I did not know that.</p> <p>5 Q. I understand that. But now you do know that,</p> <p>6 don't you?</p> <p>7 MR. TERRELL: Objection. Vague.</p> <p>8 Argumentative.</p> <p>9 BY MR. HAMMER:</p> <p>10 Q. You can answer that "yes" or "no."</p> <p>11 A. At the time of the transaction, I -- at the</p> <p>12 best of my knowledge and my research, I did the</p> <p>13 following steps because that is why I was -- I thought I</p> <p>14 was doing the correct thing.</p> <p>15 Q. But you've got to answer my question. I know</p> <p>16 what you're doing. You can say "yes" or "no" and</p> <p>17 explain it any way you want.</p> <p>18 But I'm asking you, are you aware that the</p> <p>19 Columbia, South Carolina, incident report on Dylann Roof</p> <p>20 is a part of the South Carolina record?</p> <p>21 MR. TERRELL: Objection. Vague as to</p> <p>22 time.</p> <p>23 A. At the beginning of the transaction I did not.</p> <p>24 BY MR. HAMMER:</p>	<p>1 Q. Okay.</p> <p>2 Right now, do you?</p> <p>3 A. Based on all the information that I have seen,</p> <p>4 yes.</p> <p>5 Q. Okay.</p> <p>6 And had you contacted SLED and they gave you</p> <p>7 that report, you would have had the information that you</p> <p>8 needed; correct?</p> <p>9 A. Per the processing page, our state POC, we do</p> <p>10 not contact for incident reports.</p> <p>11 Q. Okay.</p> <p>12 You contact for South Carolina records?</p> <p>13 A. We contact for clarification.</p> <p>14 Q. Okay.</p> <p>15 And if you had asked for clarification -- you</p> <p>16 knew that as soon as you got back the fax from Lexington</p> <p>17 County, that Columbia Police Department had the report;</p> <p>18 correct?</p> <p>19 A. And I contacted West Columbia PD.</p> <p>20 Q. I'm not asking you what you did. I'm asking</p> <p>21 you a specific question. Did you know when you got back</p> <p>22 the fax from the Lexington County Police Department that</p> <p>23 they indicated that Columbia Police Department had the</p> <p>24 report?</p>
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<p>1 A. Yes.</p> <p>2 Q. Okay.</p> <p>3 And had you contacted the Columbia Police</p> <p>4 Department, you could have gotten the report; correct?</p> <p>5 MR. TERRELL: Objection. Foundation.</p> <p>6 A. Like I said --</p> <p>7 BY MR. HAMMER:</p> <p>8 Q. That's a "yes" or "no." You can explain it</p> <p>9 afterwards.</p> <p>10 If you had contacted the Columbia Police</p> <p>11 Department, would you have gotten the report?</p> <p>12 MR. TERRELL: Objection. Foundation.</p> <p>13 A. I don't know.</p> <p>14 BY MR. HAMMER:</p> <p>15 Q. Okay.</p> <p>16 If you'd have asked for it -- if you'd have</p> <p>17 contacted them and asked for it, do you think you would</p> <p>18 have gotten it?</p> <p>19 MR. TERRELL: Objection. Speculation.</p> <p>20 A. I can't assume that.</p> <p>21 BY MR. HAMMER:</p> <p>22 Q. You can? Can't?</p> <p>23 A. I can't assume that.</p> <p>24 Q. Cannot assume that. Okay.</p>	<p>1 And if you had contacted SLED and asked them</p> <p>2 for the records that they had, the South Carolina</p> <p>3 records that they had, would you have received the</p> <p>4 report that they had?</p> <p>5 MR. TERRELL: Objection. Foundation.</p> <p>6 A. I can't assume that.</p> <p>7 BY MR. HAMMER:</p> <p>8 Q. Okay.</p> <p>9 But you did not contact the SLED and you did</p> <p>10 not contact the court?</p> <p>11 MR. TERRELL: Objection. Asked and</p> <p>12 answered.</p> <p>13 BY MR. HAMMER:</p> <p>14 Q. That's correct, isn't it?</p> <p>15 A. I've already, yes, answered the question.</p> <p>16 Q. And you didn't contact the Columbia Police</p> <p>17 Department?</p> <p>18 MR. TERRELL: Objection. Asked and</p> <p>19 answered.</p> <p>20 A. Yes.</p> <p>21 MR. HAMMER: They're going to put</p> <p>22 something on the record about their right to ask</p> <p>23 questions, and you can respond, and then we'll go to</p> <p>24 witness number two so we get her out of there.</p>

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1 MR. McLEOD: This is Mullins McLeod on
2 the behalf of the Estate of Myra Thompson, Sharonda
3 Coleman-Singleton, and Cynthia Hurd.
4 We're here today for depositions that were
5 noticed in the master case file that Mr. Hammer issued
6 the notice on pursuant to Judge Gergel's order granting
7 jurisdiction on discovery dated March 23rd, 2017. My
8 understanding is based upon the Court's consolidating
9 these cases for discovery and assigning them to a master
10 case file, the purpose of which was so that witnesses
11 like Ms. Conley would not have to endure multiple
12 depositions, and, consequently, we have appeared today
13 to ask our questions and so not to inconvenience either
14 the Agency or Ms. Conley. Mr. Terrell, however, has
15 indicated that he's not going to allow any of the other
16 counsel of record in the other cases, all of which have
17 been consolidated for discovery purposes, to ask any
18 questions.
19 And so at this point, because Mr. Terrell has
20 instructed his witness not to answer any of my
21 questions, my hands are tied unless or until Judge
22 Gergel can rule on this motion -- rule on this issue.
23 MR. HAMMER: You want to say anything?
24 MR. WILSON: Yeah. I'll just join in

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1 that position. Joe Wilson representing the Estate of
2 Daniel Simmons. I'm not sure there's anything I have to
3 add, though, other than I'm joining.
4 MR. HAMMER: Stephen, do you want to
5 respond?
6 MR. TERRELL: Sure. So the United
7 States' position is that the Court consolidated these
8 cases for jurisdictional discovery and for briefing
9 purposes on motions. Therefore, the United States will
10 file a single renewed motion to dismiss, and plaintiffs
11 collectively will file a single renewed opposition to
12 the United States' motion to dismiss.
13 And the -- we were noticed Ms. Conley's
14 deposition in Sanders. We have no objection to any
15 attorney conducting the deposition, but our position is
16 that one attorney is allowed to examine the witness
17 during the deposition. As you know, Federal Rule of
18 Civil Procedure 30(c)(1) states that depositions shall
19 be conducted pursuant to the Federal Rules of Evidence
20 as if at trial, except for Rule 601 and 103. You also
21 know that Local Civil Rule 83.VI.02 states that only one
22 counsel may examine a witness at trial.
23 I understand we're not at trial. I understand
24 we're at a deposition. But Ms. Conley has been here now

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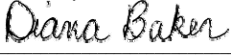

1 about three hours, and you've conducted a thorough
2 examination that includes her spouse's identity, the age
3 of her child; we've been over whether or not she's
4 contacted the State of South Carolina POC at least three
5 or four times. If you have certain questions that you
6 feel Mr. Hammer did not ask, you are free to discuss
7 that. He can ask those questions before we conclude the
8 deposition. But we do not believe, for both fairness
9 and efficiency reasons, that Ms. Conley should be passed
10 around the table and potentially subject to seven
11 attorneys' examination.
12 MR. McLEOD: And for the record, there
13 are only three attorneys who have come here today to ask
14 Ms. Conley questions. That's Mr. Hammer, Mr. Wilson,
15 and myself. Our co-counsels are also here because of
16 the public import and significance of these cases. I
17 respect your position. I think you're dead wrong. What
18 we'll have to do is wait for Judge Gergel to issue the
19 order on this. In the interim, we're going to reserve
20 our right for Mr. Hammer to ask eight hours' worth of
21 questions of Ms. Conley --
22 MR. TERRELL: It's seven hours.
23 MR. McLEOD: -- per the rules, and we'll
24 go to witness two. We don't have a choice.

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1 MR. HAMMER: Do you want to put this on
2 the record?
3 MR. WILSON: Well -- yeah -- the rules
4 allow each party to question a witness, and we are --
5 we're here representing different plaintiffs, different
6 parties.
7 I'm going to put deposition record -- I mean
8 the deposition notice as an Exhibit -- what's the next
9 exhibit number?
10 THE COURT REPORTER: Number 8.
11 MR. WILSON: Number 8. It's our
12 consolidated deposition notice. And -- I'll leave it at
13 that.
14 * * *
15 (Whereupon, Conley Deposition Exhibit
16 No. 8 marked for purposes of identification.)
17 * * *
18 MR. McLEOD: All right. So we'll go to
19 witness two. We'll try to get Judge Gergel on the
20 phone. If we can't, we'll hold her deposition in
21 abeyance --
22 * * *
23 (Simultaneous speakers)
24 * * *

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FELICIA SANDERS v. THE UNITED STATES OF AMERICA 6/13/2017 JENNIFER CONLEY

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<p>1 THE COURT REPORTER: I can't hear</p> <p>2 everything you're saying. "We'll hold her deposition in</p> <p>3 abeyance..."</p> <p>4 MR. McLEOD: Yeah. So we're going to go</p> <p>5 to witness two today because of time constraints, and,</p> <p>6 hopefully, we'll get a ruling from Judge Gergel today.</p> <p>7 If he's unavailable by the close of business today, then</p> <p>8 we will leave Ms. Conley's deposition in abeyance and</p> <p>9 reserve the unused portion of the seven hours allotted</p> <p>10 to be used at a later date with Mr. Hammer should the</p> <p>11 plaintiffs see fit.</p> <p>12 MR. TERRELL: We agree to suspend the</p> <p>13 deposition subject to Court ruling. In the event that</p> <p>14 the deposition is closed, the United States requests,</p> <p>15 pursuant to Rule 30(e)(1), that the witness be afforded</p> <p>16 an opportunity to read and sign the transcript.</p> <p>17 * * *</p> <p>18 (Whereupon, the deposition was adjourned</p> <p>19 at 1:32 p.m.)</p> <p>20 * * *</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 THE STATE OF : WEST VIRGINIA : 2 : SS: C E R T I F I C A T E COUNTY OF OHIO : 3</p> <p>4 I, DIANA BAKER, Registered Professional Reporter and Notary Public within and for the State of West Virginia, duly commissioned and qualified, do 5 hereby certify that the within-named witness, JENNIFER CONLEY, was by me first duly sworn to testify 6 to the truth, the whole truth and nothing but the truth in the cause aforesaid.</p> <p>7</p> <p>8 I do further certify that the within testimony was by me reduced to stenotype in the presence of the witness; afterwards reduced to Computer-Aided 9 Transcription under my direction and control; that the foregoing is a true and correct transcription of the 10 testimony given by said witness; and this deposition was adjourned to be continued at a later date.</p> <p>11</p> <p>12 I further certify that the reading and signing of the transcript was requested.</p> <p>13 I do further certify that I am not a relative, counsel, or attorney of either party, or otherwise 14 interested in the event of this action.</p> <p>15 I, to the best of my ability, do further certify that the attached transcript meets the 16 requirements set forth within Article 27, Chapter 47 of the West Virginia Code.</p> <p>17</p> <p>18 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office in Wheeling, West Virginia, on the 26th day of June, 2017.</p> <p>19 </p> <p>20</p> <p>21 DIANA BAKER, RPR Notary Public within and for the 22 State of West Virginia</p> <p>23</p> <p>24 My Commission expires: May 24, 2021</p> 

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